PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

Revenue Secretariat

NOTIFICATION

Bangalore, dated 23rd April 1965.

G.S.R. 491—The following draft of the Mysore Land Improvement Loans Rules, 1965 which the Government of Mysore propose to make in exercise of the powers conferred by Section 10 of the Mysore Land Improvement Loans Act (Mysore Act 16 of 1963) is hereby published as required by sub-section (1) of Section 10 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the *15th June 1965*.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore-1.

[No. RDF 22 TKV 63.]

By Order and in the name of the Governor of Mysore,

30. G. V. Desai, *Under Secy.*

NOTIFICATION

Bangalore, dated 23rd April 1965.

G.S.R. 491a.—In exercise of the powers conferred by Section 10 of the Mysore Land Improvement Loans Act, 1963 (Mysore Act No. 16 of 1963) the Government of Mysore hereby makes the following rules, namely :—

1 Title.—These Rules may be called the Mysore Land Improvement Loans Rules, 1965.

2 Definitions.—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Mysore Land Improvement Loans Act, 1963;

(*b*) "Section" means a section of the Act;

(*c*) "Form" means a form appended to these rules.

3 Purposes for which loans may be granted.—Loans may be granted for any purpose which is a land improvement work within the meaning of clause (*b*) of Section 2.

4. Manner of making applications for loans.—(1) Every application for a loan under these rules shall be in Form No. I and shall be made to the Tahsildar of the Taluk or to such other officer as may be specified by Government by a notification for any Taluk or part of a Taluk.

(2) When the security offered for the loan is land, extracts from the Record of Rights relating thereto shall be attached to the application.

(3) When the improvement work to be undertaken involves protessional skill, the applicant shall annex to the application an accurate plan, specification and estimate for the said work. In case the applicant is unable to comply with this requirement, the officer concerned may get it done on behalf of the applicant after making him deposit with Government such sum of money as may be sufficient to cover the cost.

(4) On receipt of the application for a loan under the Act in the Taluk Office or in the office of such other officer as may be specified by Government by a notification for any Taluk or part of a Taluk as the case may be, a receipt shall forthwith be given to the applicant, and without any delay, the particulars of the application shall be entered in the inward register of the office and in the Register of applications for loan under the Act in Form No. 2.

5. Officers empowered to make enquiries :—All Revenue Officers not below the rank of a Revenue Inspector of Circle and such other officer or officers as may be specified by Government by a notification for any Taluk or part of a Taluk are empowered to make an enquiry for the purpose of verifying the correctness of the particulars in the application for a loan.

6. Manner of conducting enquiries :—(1) A local enquiry in respect of the particulars contained in the application for a loan shall be held after causing a notice containing the particulars of the application and inviting objections within such period as may be specified in the notice, to be affixed in the village or chavadi, where the land to be improved is situated. Any objections received within a stipulated period shall be heard by the authority competent to grant the loan or such other subordinate officer as may be authorised by such competent authority by a general or special order.

(2) The land to be improved shall ordinarily be inspected by the authority competent to grant the loan and where such an inspection is not possible on administrative or other grounds, an on-the-spot-inspection report of the land to be improved may be obtained from an officer not below the rank of a (i) Deputy Tahsildar if the amount of loan applied for does not exceed one thousand rupees, and (ii) Special Tahsildar, if the amount of loan applied for exceeds one thousand rupees.

(3) Every enquiry shall be made to ascertain the matters to complete Form No. 3, and after such enquiry

the authority shall either sanction the loan, if it is within its competence, or forward through proper channel the application with its report to the higher authority competent to sanction the loan either recommending the grant or rejection of the loan in full or in part;

(4) Unless the Officer competent to grant the loan is satisfied of the sufficiency of the security with a margin for safety, the loan shall be refused.

7. Powers exercisable by Officers conducting enquries:— Officers conducting enquires shall be competent to exercise the powers conferred on a Revenue Officer by the Mysore Land Revenue Act, 1964 and the Rules made thereunder for purposes of conducting inquiries under the said Act.

8. Officers competent to grant loans.—(1) The officers specified in column (1) of the following Table may grant loans not exceeding the amounts specified in the correspond-in entry of column (2) thereof, namely:—

TABLE.

1	2
Tahsi'dar or Special Tahs ldar of a Taluk; or any other Officer specified by Government by a notification for any Taluk or part of a Taluk.	One thousand rupees.
Assistant Commissioner of a Revenue Sub-Division.	Two thousand and five hundred rupees.
Deruty Commis ioner or Special Deputy Commissioner of a District.	Five thousand rupees.
Divisional Commissioner of a Division.	Ten thousand rupees.

(2) Loans exceeding ten thousand rupees may be granted by the Divisional Commissioner with the previous sanction of the State Government.

(3) Nothing in sub-rule (i) shall be deemed to preclude the grant of more than one loan to the same person exceeding the maximum amount up to which any officer may grant a loan, provided that the purpose for which each such loan is granted is different, the amount granted does not exceed the maximum amount specified and such loan is secured by a different security.

9. Nature of security to be taken for the due application and repayment of the loan.—(1) The land to be improved including the site of the work to be constructed shall be taken as security.

(2) (*a*) If the value of the interest of the applicant in the land to be improved and offered as security for the loan is not less than eighty per cent of the value of the land subject to the provisions of the Tenancy Acts for the time being in force and will cover the amount of the loan to be granted with interest payable thereon and the cost, if any, likely to be incurred in making the grant, the loan applied for may be granted on the security of such land;

(*b*) If the value of the land does not satisfy the requirements of clause (a):— (i) Collateral security consisting of—

(A) other land belonging to the applicant; or

(B) land belonging to other persons who are offered as sureties; or

(C) both the lands referred to in items (A) and (B) shall be taken, provided that the total value of the land of the apolicant and of the lands or land offered as collateral security is sufficient to cover to the loan with a margin for safety.; or

(ii) Collateral security consisting personal security of one or more persons whose solvency is, taking into consideration all relevant factors,

sufficient to cover the loan with interest with a margin for safety provided that where more than one person offer personal security, all of them shall bind themselves to repay the loan jointly and severally ;

(3) A second, third or fourth loan may be granted to the same person on the security of the same land, on which a loan has already been granted, provided that the total amount outstanding at any time does not exceed the maximum loan admissible on the security of the land offered by the applicant ; provided that a subsequent loan shall not be granted to a contumacious defaulter or a person from whom instalments in respect of earlier loans are overdue.

10. Condition under which loans may be granted.— Loans under these rules may be granted subject to the following conditions namely :—

(*a*) the amount of loan shall be utilised only for the purposes for which it is granted ;

(*b*) the amount of loan shall be utilised within the period allowed or extended by the Officer granting the loan;

(*c*) neither the borrower nor his heirs, executors, administrators, or Assigns shall transfer by way of mortgage, sale, gift, lease or otherwise howsoever any land mortgaged as security for the loan ;

(*d*) any instalment of the loan and previous loan, if any, shall be payable on such earlier date than the date fixed in that behalf or may be fixed in any year having regard to any exceptional agricultural conditions ;

(*e*) any instalment of the loan and previous loan may be increased to such amount not exceeding double the amount fixed while granting the loan, as may be determined in any year by the officer granting the loan having regard to any exceptional agricultural conditions in the year.

11. Conditions to be satisfied before granting loans.— (1) No loan shall be granted under these rules, except after

enquiry is made, a spot inspection of the land to be improved is made and adequate security to cover the loan with interest and costs, if any, is taken. A reference in Form No. 4 shall be made to the Registration Department for an encumbrance certificate in respect of the land or lands offered as security, and no loan shall be granted until a reply to the reference is received, and the officer granting the loan is satisfied about the value of the land or lands offered as security.

(2) (*a*) When the improvement work to be undertaken involves professional skill and its estimated cost exceeds two thousand rupees, the opinion as to the feasibility, probable cost, and merits generally from a professional point of view shall be obtained from the Departments specified below. In any other case, the officer dealing with the application may call for similar professional opinion if considered necessary.

Purpose of the loan	*Departments to be consulted.*
(i) the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;	Department of Public Works.
(ii) the preparation of land for irrigation;	Department of Agriculture.
(iii) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste land which is cultivable;	Department of Public Works.
(iv) the reclamation, clearance enclosure or permanent improvement of land for agricultural purpose;	Department of Agriculture.
(v) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto;	Department of Public Works or Department of Agriculture, as the case may be.

(*b*) In the case of an application for loan for construction of or reconstruction of irrigation well, or alterations therein or additions thereto, the Department of Public Works shall be consulted

when the cost exceeds three thousand rupees after the estimates are checked by the sub-overseer attached to the Taluk Office with reference to the sanctioned scheme of rates likely nature of the sub-soil and probable depth;

(*c*) If the Department of Agriculture or the Department of Public Works does not furnish its opinion within a period of two months of the receipt of the reference, the concurrence of the Department may be presumed and further action taken to sanction or refuse the loan.

(3) After the local enquiry and such further investigation as is prescribed in the foregoing rules, and after obtaining adequate security, the Officer competent to grant the loan is satisfied that the loan either in full or in part may be granted, he shall record a decision to the effect and shall at once issue an order granting the loan, in Form No. 5. The contents of the order shall be explained to the applicant and his signature obtained in token of understanding and agreeing to the conditions contained therein.

(4) The bond to be taken when personal security or collateral security consisting of land or other immoveable property is offered by the borrower or his sureties shall be in such form or forms as the State Government may by order from time to time direct.

(5) The loan sanctioned may be disbursed either in one or more instalments as may seem fit to the sanctioning authority, on production of the security bond duly executed. Large loans shall be paid in two or more instalments. The sanctioning authority shall use his discretion having regard to the opportune time for starting the improvement work and actually disburse the sanctioned loan at such opportune time.

(6) The amount granted as a loan shall be utilised within a period of two years from the date of disbursement of the loan or the first instalment thereof, provided that the sanctioning authority may extend the said period by one year in special cases of hardship where the borrower for

reasons beyond his control cannot utilise the amount for the work within the said period of two years.

12. Rate of interest and recovery thereof---(1) Interest at seven and a half percent per annum shall be charged on loans granted under the Act. Penal interest at nine percent per annum or such other rate as the co-operative societies may charge from time to time shall be levied upon all over-due instalments of interest or principal and interest.

(2) Notwithstanding anything contained in sub-rule (1), the principle of "Damdupat" shall be applied to the recovery of the loans under the Act and these rules and it may be ensured.—

(*a*) that the amount recovered as interest at one time does not exceed the principal;

(*b*) that in pending cases where the arrears of interest already accrued exceed the principal, the interest may be scaled down and a sum equal to double the principal may be recovered without any further interest over a period of three years, if the defaulter binds himself to pay the subsequent instalments regularly, and if within that period repayment is not made in instalments, penal interest shall be levied and steps taken to realise the outstandings.

13. Period for repayment and mode of recovery of loan.—(1) (*a*) The authority sanctioning the loan, shall subject to the maximum period of twenty-five years specified in section 6 fix the period or repayment of the loan together with the interest thereon and the costs incurred in granting the loan and the amount of instalment, subject to the maximum limits specified below :—

(1) If the loan does not exceed Rupees one thousand	Eight Years.
(2) If the loan exceeds one thousand rupees but does not exceed two thousand and five hundred rupees	Ten Years.
(3) If the loan exceeds two thousand five hundred rupees but does not exceed five thousand rupees	Fifteen Years.

(4) If the loan exceeds five thousand rupees but does not exceed ten thousand rupees	Twenty Years.
(5) If the loan exceeds ten thousand rupees	Twenty-five Years.

(*b*) The time limits for repayment specified in clause (a) shall count where the loan is disbursed in full at one time, from the date of disbursement of the loan or where the loan is disbursed in instalments, from the date of disbursement of the last instalment, provided that where the loan is disbursed in instalments and the borrower does not take action to receive the last instalment on the date appointed for the purpose or within a reasonable period from such date, the authority sanctioning the loan may declare the loan as closed and direct by order the repayment of the loan taken and when such a direction is made, the time limit shall be counted from the date on which the last instalment had to be received by the borrower.

(*c*) The date of repayment of each instalment on half-yearly or yearly basis shall be so fixed as to coincide with the date of one of the land revenue khists of the taluk. The cost, if any, incurred in making a loan shall be recovered from the grantee along with the amount repaid as the first instalment. Instalments paid before the due date shall be taken entirely towards principal, unless any interest for a preceding period is overdue.

(2) Whenever recovery of land revenue is suspended, the recovery of the loan may also be suspended to the same extent.

14. Inspection of works for which loans have been granted.—(1) All land improvement works for which loans have been disbursed shall be inspected by officers empowered to sanction the loans as far as possible or any other officer

not below the rank of a Revenue Inspector by the approximate date about which the work is proposed to be commenced and thereafter till the completion thereof. If the loan is disbursed in instalments, the work shall be inspected and reported upon before each instalment subsequent to the first is paid.

(2) If the borrower fails to carry out in the time prescribed the work or part of the work for which he has received the loan or an instalment thereof, the officer granting the loan may extend the time prescribed on reasonable cause being shown for the failure to carry out the work in time. If the borrower fails to complete the work or part of the work within the period thus extended prompt steps shall be taken to recover the loan in accordance with the provisions of section 7.

15. Accounts.—The accounts for all loans under these rules shall be kept in Form No. 6 and the accounting procedure laid down in the Mysore Financial Code, 1958, shall be followed.

[No. RDF 22 TKV 63]

By Order and in the name of the Governor of Mysore,

30 N. NARASIMHA RAU, *Secretary.*

FORM No. 1.

[*See* Rule 4 (1)].

Mysore Land Improvement Loans Act, 1963.

FORM OF APPLICATION.

I. Name of the applicant and his full residential address.	
II. Amount and object of the loan (nature of the proposed land improvement.)	
III. Name of the village, Survey No., extent and assessment of the land to be improved with relevant extracts of Record of Rights,	
IV. Rights of the applicant in the land to be improved.	
V. Nature of security whether personal or otherwise.	
VI. Proposed time for repayment.	

Place :

Signature of the applicant

Date :

Notes.—1. The application with the requisite court fee stamp may be made to the Tahsildar of the Taluk or to such other Officer as may be specified by Government by a Notification for any Taluk or part of a Taluk.

2. The loan if sanctioned shall bear the interest at seven and a half per cent per annum.

3. Adequate security in the form of immovable property is necessary to cover the loan.

FORM No. 2.

Register of applications for loans under the Mysore Land Improvement Loans Act, 1963.

[*See* Rule 4 (4)].

Taluk District of For the revenue year 19 —19 .

Serial No. of Application	Date of receipt of application in the Office	If the application is received through other Officers		Name, father's name and residence of applicant	Name of Village in which the loan is to be utilised	Amount of loan required	Purposes for which required	To whom made	References			Whether loan sanctioned or refused. If refused reasons for refusal. Number and date of sanction or refusal	Amount sanctioned, number and date of loan Order	Remarks
		Officers from whom received	No. and date of Reference						Date of Reference	Date of receipt of reply	Name of Officer who investigated and his opinion in brief			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Index to Application Register under.....

Note.—Cases disposed of should be denoted by enclosing the number by a Circle thus 0

Number	Name of Villages in alphabetical order	Number of cases in the Application Register	Total in each Village
1	2	3	4

1 This Register should be maintained by each of the Officers competent to sanction the loan.

FORM No. 3.

See Rule 5 (3)—M. L. I. L. Act, 1963.

Particulars to be filled in by the Officer conducting the local enquiry after verifying the details in the application.

(At whatever stage of the enquiry it appears that the loan cannot be granted, the enquiry Officer should stop and endorse the reason and cease filling up any more of the particulars).

1. Serial number of the applicant.	
2. (a) Name and village of the applicant. (b) Amount of loan applied for.	
3. (a) Village, Survey Number, description (Dry, Wet or Garden) extent, assessment of land to be improved. (b) Purpose for which loan is sought.	
4. Status of the applicant in the Record of Rights; if he has no right to make the improvement, does the superior holder consent to the loan?	
5. Is the applicant in arrears to Government for land revenue or for any instalments of a loan previously obtained?	
6. Is the application *bona fide* and the applicant solvent?	

7. Security offered :
   (a) i the said it-elf —
      (i) the value of the applicant's interest in it ;
      (i) litigation if any, pending in respect of it ; and
      (i.) wh ther the loan applied for is within eighty per cent of the value of the land (being the applicant's interest) subject to the provisions of the Tenancy Acts for the time being in force.
   (b) If personal — the names and status of the surety or sureties and the value of their immoveable property.
   (c) If property—Other than the land itself, its nature, survey number, area assessment and value and extent of pre-existing encumbrances.

8. The Improvement :
   (1) Sketch (on a separate sheet) of the Land to be improved ;
   (2) Full description of the state of and measurements of any existing work ;
   (3) Full description and measurements of the improvements proposed ;
   (4) In the case of wells, whether bore or jumper experiment has been tried and with what result ;
   (5) Description of materials to be used ;
   (6) Estimated value of proposed improvement ;
   (7) Estimate of the area that will be benefited ;
   (8) Estimated value of the net increased produce from the work ;
   (9) Year in which the work will begin to yield profit, and life of improvement.
   (10) Capacity of borrower ; note if he has other resources ;

9. Outstanding balance, if any, *e. g.*, Land Revenue, Takavi, Irrigation Cesses, etc.	
10. (1) Whether the loan should be advanced in one lump sum or in instalments ; (2) If instalments, their dates with conditions as to which part or parts of the proposed work are to be completed before issue of subsequent instalments.	
11. Period within which the work is to be completed or object carried out.	
12. Re-payment :— (1) Year of first instalment with reference to item 8 (9) ; (2) Amount of instalment (consolidating principal and interest) ; (3) Period of repayment ; (4) Signatures in token of correctness of, and consent to, the above particulars ; (i) Applicant. (ii) Person other than the applicant having interest in the land ; (iii) Personal surety : (iv) Person giving collateral Security ; (v) Signature of attesting Officer ;	
13. Objections, if any , (1) Date of publication of notice under Rule 6 (1 ; (2) Nature of objections raised, and orders thereon ;	

14. List of papers to be annexed ; (1) Extracts from record of rights ; (2) Deeds, if any. pr sented ; (3) Panchan amas or officers' own estimates as to :— (a) Value of land to be improved ; (b) Value of collateral security ; (c) Estimated cost of wo k ; (d) Estimated amou t of p ofit ; (4) Notice under Rule 6 (1), with objections received and order.	
15. Op'nion and recommend tion in the own hand of the Officer conducting the enquiry.	

Note :—The Enquiry Officer should, among other rema ks, particulars make a note (as to whether the work is feasible, also) as to the Appli ant's director for thrift and regularity in fulfilling his obligations. (See item No. 9 above)

Submitted for sanction to

Tahsildar of other Inquiry Officer

16. Sanctioned for Date	Rs. (in words)

Grantor

17. Endorsement as to completion of the work— (1) Date of Orders (to the Revenue Officer) for inspection and report ; (2) Result of inspection, with action taken, if any, owing to misapplication.	

FORM No. 4.

[*See* Rule 11(1)]

Mysore Land Improvement Loans Act, 1963.

Reference to Registration Department for Encumbrance Certificate.

No. Date

The Sub-Regietrar of

Name of Applicant :

Amount of Loan required :

Particulars of land *for w'iich encumbrance cer'ificate is required.

Name of Village	Dry, Wet or Garden	Survey Number	Extent A. G.	Assessment Rs. p.

Remarks :

Tahsildar/Special Tahsildar of Officer specified by Government for a Taluk or part of a Taluk.

*If otber immovable property, it should be suitably described.

FORM No. 5

See Rule 11 (3)

MYSORE LAND IMPROVEMENT LOANS ACT, 1963.

Order granting a loan under the Mysore Land Improvement Loans Act, 1963.

No.

OF

1. The sum of Rs. is granted to Sri/Smt.... *Son of/Daughter of/Wife of/* at

(with the consent of Shri/Smt. the record of which is hereto annexed*) as a loan under the Mysore Land Improvement Loans Act, 1963 for the purpose of (+).....
for the benefit of (++) subject to the following conditions :—

2. The conditions referred to are as follows :—

(a) That the amount of this loan shall be paid to the aforesaid (name of the borrower) either in one or more instalments as specified hereunder on the execution of the necessary security bonds. When the loan is to be paid in instalments, the first instalment may be paid on the production of this order (here enter place at which this order is to be presented for payment), and the second on proof that the first instalment has been properly utilized.

Amount of Loan Sectioned	Instalment
Rs.	Rs.

(b) (i) That if the first instalment has not been utilized within the period of (here enter the period allowed for the first instalment) ; or

(ii) If it shall be proved to the satisfaction of the Officer granting the loan that any portion of the loan has been misapplied to any other purpose than that above specified or that the whole amount of the loan has not been fully applied to the purpose for which it was granted within the period of (here enter period allowed for utilisation of full amount of the loan), the whole unpaid balance of the loan or such portion of it as the officer granting loan may determine with interest at per cent and cost, if any, shall be deemed at once to become due.

(iii) The borrower shall give an undertaking to the effect that there are no encumbrances existing on the land mortgaged by the borrower as security for the loan.

(c) (i) That the loan with interest thereon at (@) per cent shall be repaid by equal half-yearly or yearly instalments of Rs..... each, falling due with the khist of the revenue year commencing with 19 19 . It shall be open to the officer granting the loan to reduce the number of instalments and to increase the amount of the half yearly or yearly payment so as to recover the loan within a shorter period than herein allowed if he finds the work after completion is not sufficiently durable to last for the period originally mentioned in the loan order.

(ii) Such half-yearly or yearly payment shall be made to the village Officers, if the demand has been included in the borrower's khate or to the Tahsildar and is in addition to the land assessment.

(iii) If default in the payment of half-yearly or yearly instalment on account of the loan occurs and recovery cannot otherwise be made, or if the borrower applied to be adjudicated, or is adjudicated an insolvent, the entire unpaid balance of the loan or such portion of it as the Officer granting the loan or such portion of it as the Officer granting the loan may determine shall be deemed to become due at once and the whole of the land specified under condition (d) or such portion of it as the officer granting the loan may deem necessary, shall be sold for the recovery of the amount, with interest thereon and expenses of sale, if any.

(d) (++) That for the repayment of the loan with interest and cost, if any, due on the same, the immovable property specified below is (in addition to the land for the Benefit to which the loan is granted) hyphothecated as collateral security to Government.

Signature of the Officer granting the loan.

I have understood and agreed to the aforesaid terms and conditions.

Signature of the borrower.

* To be inserted when the loan is being granted with the consent of the person having the right to make the improvement to person not having that right.

(*) Here describe in detail the purpose of the loan.
Here describe the lands benefited.

NOTE :—All immovable property hypothicated as collateral Security, whether by a borrower himself or by a surety or sureties, should be specified in the margin of clause (d) of the order granting the loan, and should as well as the land to be improved be described as nearly as may be, in the manner prescribed in Section 21 of the Indian Registration Act, 1908.

FORM No. 6

(*See* Rule 15)

Mysore Land Improvement Loans Act, 1963

REGISTER OF PAYMENTS.

(A separate page to be set apart for each loan)

No. and date of Order granting the loan.	Name and residence of the holder or the order granting the loan.	Amount of loan granted either in lumpsum or in instalments (no. of instalments to be specified).	Number of instalments in which the loan is repayable.	Repayments. Amount of each instalment in accordance with the scale in the table of equated payments	Date on which each instalment is due.	Date of payment of instalment.	Amount of instalment paid.	Interest paid on arrears of instalments.	Remarks.
1	2	3	4	5	6	7	8	9	10

N. B.—Column 10 to be used for noting postponement of instalment, if any.

Development, Panchayati Raj and Co-operation Secretariat.

NOTIFICATION-I

Bangalore, dated 23rd March 1965.

G. S. R 492.—In exercise of the powers conferred by section 44 of the Mysore Money Lenders Act, 1961 (Mysore Act 12 of 1962), the Government of Mysore hereby makes the following rules, the same having been previously published in Part IV, Section 2-c (i) of the *Mysore Gazette* dated the 13th December, 1962 as required by sub-section (1) of the said section, namely :—

1. **Title.**—These rules may be called the Mysore Money Lenders Rules, 1965.

2. **Definitions** :—In these rules, unless the context otherwise requires.—

(*a*) "Act" means the Mysore Money Lenders Act, 1961;
(*b*) "Form" means a form appended to these rules;
(*c*) "Section" means a section of the Act.

3. **Register of Money Lenders** :—The Register of Money-Lenders required to be maintained under section 4 shall be in Form 1.

4. **Display of list of licensed money lenders.**—Every Assistant Registrar shall display on a notice board in his office a list of money lenders licensed to carry on the business of money lending in the area under his jurisdiction. Such list shall contain the addresses of the money lenders.

5. **Application for licence.**—(1) A money lender desiring to carry on the business of money lending in any area shall make an application in Form 2 to the Assistant Registrar concerned. The application shall be delivered at the Office of the Assistant Registrar during office hours either personally by the applicant or through an agent duly

authorised in writing in this behalf or sent by registered post addressed to the Assistant Registrar.

(2) An application for grant of a licence for the first time may be made on any date and an application for renewal of licence may be made on any date within two months prior to the expiry of the licence.

6. Change in partnership of management.—If during the currency of a licence a new partner is taken up or a person is appointed as responsible for the management of the business of money-lending, the money lender shall within seven days communicate to the Registrar the name of the partner so taken up or of the person so appointed and shall satisfy the Registrar that the new partner or the person appointed is not himself disqualified from holding a licence on any of the grounds, mentioned in section 8.

7. Change of address.—A money lender shall communicate to the Registrar any change in his address giving full details of the new address within seven days of such change.

8. Procedure for summary inquiry under section 7.—The Assistant Registrar shall make the summary inquiry under section 7 by calling for such information from the applicant and examining such persons as he may deem fit in order to satisfy himself about the *bona fides* of the applicant and his suitability for carrying on the business of money lending. If from the information supplied and the examination made, the Assistant Registrar is not so satisfied, he may examine the applicant personally. The Assistant Registrar shall maintain a record of such inquiry duly signed by him. The record shall contain a brief memorandum of the substance of evidence taken and a summary of the conclusions regarding facts elicited during the enquiry.

9. Form of licence.—The licence under Section 7 shall be in Form 3.

10. Manner of payment of licence fees.— The licence fee of Rs. 10 and Rs. 3 under Section 6 shall be paid in cash at the time of presenting the application or by remitting it by postal money order addressed to the Assistant Registrar or by crediting to Government account at a Treasury, or the Reserve Bank of India, and forwarding the receipt of the postal money order or the receipted chalan to the Assistant Registrar along with the application.

(2) The Registrar while forwarding copies of the licence for the principal place and the application to other Registrar or Registrars shall make an endorsement in token of having received the requisite licence fee.

11. Order refusing to grant licence or cancelling licence to be communicated — If a Registrar refuses to grant a licence, or cancels a licence, he shall communicate the order to the applicant or the Licensee, as the case may be.

12. Appeal against orders of Registrar refusing or cancelling a licence .— (1) An appeal under sub-section (3) of Section 8 or sub-section (3) of Section 9 against the order of a Registrar refusing to grant or cancelling a licence shall be filed within 30 days from the date on which the Order of refusal or cancellation is communicated to the money-lender. An appeal under sub-section (4) of Section 13 against the order of a Registrar shall be filed within 30 days from the date on which the order is communicated to the money-lender or the applicant. The amount of fee payable in respect of such an appeal shall be Rs. 10 and shall be paid in the manner prescribed under rule 10.

(2) The Registrar General shall decide the appeal after giving a reasonable opportunity to the appellant to be heard.

13. Display of licence.—Every money-lender shall exhibit his licence in a prominent place on the premises where he carries on the business of money-lending.

14. Issue of a duplicate licence.—(1) When a licence granted to a money-lender is lost, destroyed or torn or otherwise defaced in such a manner as to render it illegible, the money-lender may make an application to the Registrar through the Assistant Registrar concerned, for the grant of a duplicate licence.

(2) Where a duplicate licence is required on the ground that the original licence is torn or defaced, the money-lender shall surrender the original licence to the Registrar along with the application made under sub-rule (1).

(3) An application under sub-rule (1) shall be accompanied by a fee of Rupee one. The fee shall be paid in the manner prescribed in rule 10.

(4) On receipt of such application, if the Registrar, is, after making such inquiry as may be deemed necessary, satisfied that a duplicate licence may be issued to the money-lender, he shall issue a duplicate licence and direct the Assistant Registrar to make a note of the issue of such a duplicate licence to the money-lender against his name in the register.

(5) The duplicate licence so issued shall bear on its face the number and date of the original licence and shall also bear the word "duplicate".

15. Forms of cash book, ledger and statement under section 20.—The cash book and ledger to be maintained by a money-lender under sub-section (1) of section 20 shall be either in Forms 4 and 5 respectively or in Forms 4A and 5A respectively. The statement under clause (a) of sub-section (2) of section 20 shall be in Form 6.

16. Annual statement of accounts to be delivered by money-lender to debtor, etc., under section 21.—(1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (1) of section 21 shall be in Form 7.

(2) The statement shall be furnished to each of the debtors within sixty days after the close of the year for which the accounts of money-lenders are oridinarily maintained:

Provided that the Registrar may on the application of the money-lender extend such period in the aggregate to not more than ninety days after the close of such year, if the money-lender proves to the satisfaction of the Registrar that not less than two-thirds of the total number of statements will be furnished within the said sixty days.

(3) The fee to be paid by a debtor to a money-lender for supplying a statement of accounts under sub-section (2) of section 21 shall be fifty paise.

(4) The expenses to be recovered from a debtor for supplying copies of documents by a money-lender under sub-section (3) of section 21 shall be according to the following scale:—

For copying 100 words or fraction thereof ... 10 paise

For copying 100 words or part thereof tabular statement. ... 15 paise

17. Fees for supplying of statements or pass books.—(1) The rate of fees recoverable under sub-section (2) of section 22 shall be (a) 15 paise for each statement or a copy thereof supplied under sub-section (2) of section 20 and sub-section (1) of section 21 and (b) 75 paise for each pass book containing not less than eight pages excluding cover pages supplied under sub-section (2) of section 20 and sub-section (1) of section 21.

(2) The amount on account of such fees shall be shown separately in debtors account.

18. Form of pass book.—The pass book mentioned in sections 20 and 21 shall be either in Form 8 or Form 9.

19. Notice and information to be given on assignment of loan.—The notice to be given to an assignee under clause

(a), the statement of information to be supplied to an assignee under clause (b) and the notice to be given to the debtor under clause (c), of sub-section (1) of section 30 shall be in Forms 10, 11 and 12 respectively.

20. Form of application under section 33.—The application to be made by a debtor under sub-section (1) of section 33 shall be in form 13 and shall be accompanied by a Court fee of Rupee one.

21. Copies of documents on Payment of fees.—(1) Any party to any application, inquiry or appeal under the Act before the Assistant Registrar, Registrar or Registrar General or any person who is interested in such application inquiry or appeal may apply to the Assistant Registrar, Registrar or Registrar General, as the case may be, for a copy of any documents in the record of such application, inquiry or appeal.

(2) The application shall be accompanied by deposit or an amount to cover the cost of preparing copies according to the following scales of copying fees, namely :—

(*a*) in the case of English copies, 5 paise for every 25 words or fraction thereof ;

(*b*) in the case of copies in regional languages, 5 paise for every 30 words or fraction thereof ;

(*c*) in the case of certified copies, an additional 5 paise for 100 words or fraction thereof for comparing ;

(*d*) in the case of documents in tabular forms, twice the ordinary rate ; provided further that a surcharge of 55 per cent shall be levied on all copying, comparing and translation fees and added to the total charges for the preparation of certified copies ;

(*e*) when the description of the document given in the application is incorrect or deficient and it shall in consequence be necessary for the Record-keeper to search his records in order to find it, a fee at the rate of one rupee for each year, of

which the records are searched, shall be payable by the applicant for such search, whether the document be found or not and whether the copy for which he applies, on examination of the said document, be granted or not.

(3) The amount calculated according to the above scale shall be credited to the Government by the Assistant Registrar, Registrar or Registrar General to whom the application for grant of copies is made, as copying fees and the surplus amount, if any, deposited by the person applying for copies shall be refunded to him at the time of supplying the copy; provided that the person applying for copies shall, if the amount deposited by him is not sufficient to cover copying fees, pay the deficit before taking delivery of the copy.

22. **Forms of summons.**—The summons to be issued for enforcing the attendance of any person under section 14 in connection with an inquiry under section 7 shall be in Form 14 or 15 as the case may be.

FORM 1.

(*See* Rule 3).

Register of Money-lender.

Office of the Assistant Registrar of..... Taluka.. .....District.

Serial Number.	Name, father's or husband's name and full address of the money-lender*	Name, father's name and full address of the person or persons responsible for the management of the business, if any.	Full details of the principal of business or the branches thereof.	Date and Sl. No. of previous licence, if any.	Date of the issue of the present licence.	Serial No. of application.	†Cancellation of licence if any with date and particulars.	Orders of appellate authority if any.	Particulars of cancellation of licence under Sec. 14 (ii) (a) or disqualification under Sec. 14 (ii) (b).	No. of duplicate licences issued with dates.	Signature of Assistant Registrar.	Remarks.
1	2	2-A	3	4	5	6	7	8	9	10	11	12

* In the case of an undivided Hindu Family, Col. 2 should show the names and addresses of the manager and adult co-parceners of such family ; in the case of a bank or company, the col 2 should show the names and addresses of the directors and manager or principal officer and in case of an unincorporated body of individuals, the names and addresses of all individuals.

† When filling up this column, the section of the Act under which cancellation is made, should be entered.

FORM—2

(*See* Rule 5)

Application for the grant of a licence to a money lender.

In the office of the Assistant Registrar of.....

P. O.....

Taluka.....

District.....

1. Name of the applicant, with father's or husband's name, surname, residence and address in full.

Names of the manager and the adult co-parceners of the undivided Hindu family, with father's name, surname, residence and address in full.

Name of the Director, Manager or Principal officer managing the Bank or company with the father's or husband's name, surname, residence and address in full.

Names of all the persons forming an unincorporated body, with father's or husband's names, surnames, residences and address in full.

2. Name in which the applicant carries on or intends to carry on his money-lending business.

3. Name of the area within which the applicant has his business of money-lending on the date of the application.

4. Names of persons responsible or proposed to be responsible for the management of the applicant's money-lending business with their father's or husband's name, surname, residence and address in full.

5. Location of the applicant's place or principal place of business, with full particulars thereof and the name, father's or husband's name, surname and address of the person in charge.

6. Whether the person signing the application or any of the adult co-parceners of an undivided Hindu family, or any Director, Manager or Principal Officer of the Bank or Company or any member of the unincorporated body on behalf of which the application is made, as the case may be carried on the business of money-lending in the province in the year ending on the 31st day of March immediately preceding the date of the application either individually, or in partnership of jointly with any other coparcener or any other person and whether in the same or any other name.

7. Is the applicant or any other person on behalf of whom the application has been made carrying on or intends to carry on the business of money-lending in any other place in the province ? If so, give

complete particulars with the name, father's or husband's name, surname, and address of the person incharge of each office. Give particulars of the location of each such office and the area within which the business of money-lending is being carried on or is proposed to be carried on at each such place.

8. What is the extent of the total business of the applicant on 31st March?

9. What is the total amount of the capital which the applicant intends to invest in the business of money-lending in the year for which the application has been made ?

A. What is the year for which the applicant's accounts are maintained ?

10. Has the applicant carried on the business of money-lending in the past and if so since when ?

11. Has any application for licence previously been made ? If so, when, where and with what results ?

12. In case the application has previously been granted, give full particulars of the licence.

13. Has any licence granted previously to the applicant been cancelled or suspended or does it contain any endorsements of the Court or any disqualifications imposed by the Court ? If so, full particulars should be given including the name of the officer and/or Court and the date and terms of the order.

14. Is money-lending the sole business of the applicant or is he engaged in any other business, profession or calling ?

15. (i) Whether the applicant is a full time servant in the employment of Government or of a local authority ; if so, state the designation of the post held ; and

(ii) Whether by rules applicable to him in that capacity he is entitled to start or carry on the business of money-lending?

Certified that all the facts set out in the application are true to my knowledge except.....paragraphs, which are true to my belief being based on information supplied by.....

Signature of applicant with date.

FORM 3.

(*See* Rule 9)

Money-lender's Licence.

District .....

Taluka .....

Place ..... P. O.....

Licence No.....

This Licence has been granted to ..... to carry on the business of money-lending subject to the provisions of the Mysore Money Lenders Act, 1961, and the Rules thereunder and the following conditions, namely :—

(1) The licence shall be valid up to 31st July.....

(2) It shall entitle the money-lender to carry on the business of money-lending in*...

(3) The licensee shall surrender the licence when ordered to do so by the Registrar granting it or by the Registrar-General or by a Court.

(Seal of the Registrar) date Registrar.

*Here insert area.

(Back)

Endorsement, if any. Signature Remarks.

FORM 4.

(*See* Rule 15)

Cash Book

Dr.		Receipts			Disbursement		Cr.	
Date	Particulars	Ledger folio	Amount		Date	Particulars	Ledger folio	Amount
			Rs. p.	Rs. p.				Rs. p. Rs. p.

In case of loans in kind the entry shall contain clear reference to the commodity advanced with market value of same at the date of each transaction.

FORM 4-A

(*See* Rule 15)

Cash Book

Date	Creditor		Debtor	
	Amount	Particulars	Amount	Particulars
Opening balance brought forward ...				
Closing balance carried over ...				

N.B.—The Ledger Folio number should be entered in any convenient manner.

FORM 5.

(*See* rule 15)

Debtor..... ... .

Name and address of the debtor.....Ledger Account. Ledger No.....

Date	Principal amount borrowed or debited	Amount of due in respect of supply of statements of debts	Amount repaid or credited			Balance due after each transaction			Details of calculation of interest				
			Principal	Interest	Fees for supply of statements of debts	Total	Principal	Interest	Fees for supply of statements of debts	Principal due	Months	Amounts of interest recovered.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM No. 6

[*See* Rule 15]

Statement showing the details of conditions of the Loan.

Name of Debtor	...	
Address	...	
1 Amount of loan	...	
2 Date of loan	..	
3 Date of maturity of the loan, if any	...	
4 Rate of interest per annum...		
5 Nature of the security	...	
6 Particulars of documents, if any	...	
7 Any special condition on which the loan has been made	...	
8 Other connected information.		

Signature of money-lender

Name & address of money-lender

Date.....

N.B.—A separate statement shall be furnished in respect of each loan transaction. In case of loan in kind, there shall be reference to the commodity advanced along with market value of the same of the date of each transaction.

FORM No. 5-A

(*See* Rule 15)

Ledger folio No.
Name of Debtor
Full address of Debtor

Creditor				Debtor			
Amount	Date	Page No. 1 of Corresponding entry in the cash book	Particulars	Amount	Date	Page No. of the Corresponding entry in the cash book	Particulars of Security etc.
Total Receipt				Total Payment			

ABSTRACT

	Principal
Debited (During the year)	...
Recoveries (During the year)	...
Net balance due	...
Carried over	...

FORM No. 7

[*See* Rule 16(1)]

Annual statement of accounts to be delivered by a money-lender to his debtors under sub-section(1) of Section 31.

Name of the Debtor ...	
Occupation ...	
Address ...	
Number of Ledger Account or number of ledger folio ...	
Amounts of principal and interest separately due to the money-lender and the amount of fees due in respect of supply of statement of debts ...	
Amount of every payment already received by the money-lender in respect of the loan during the year together with the date on which each payment was made ...	
All payments credited first in the account of interest, and the residue, if any, of any payment more than sufficient to discharge the balance of interest due at the time, it is made credited to the debtor in the account of principal ...	

*Payments credited first in the account of principal by the money-lender; and the remaining payments credited in the account of interest calculated on the basis of the decreased balance of principal; and when the balance of interest is fully discharged, the residue of the payments, if any, further credited in the account of principal ...	
Payments made on account of fees due in respect of supply of statements of debts ...	
The amount of principal remaining unpaid, the interest thereon, and the amount remaining unpaid on account of fees due in respect of statements of debts ...	

*Strike out whichever is not necessary.
Money-lender or his agent.

FORM No. 8

(*See* Rule-18)

Cover Page

PASS BOOK

Name of the Money-Lender
His Address
Licensed money-lender under the Mysore Money-Lenders Act, 1961.

CONTENTS OF THE PASS BOOK

PASS BOOK

Name of the Money-Lender :

His Address :

Name of the Debtor :

His Address :

Sl. No.	Date, month and year	Amount of loan advanced	Nature of security particulars of documents and special conditions, if any	Rate of interest	Date of maturity	Total amount repaid by the debtor	Amount repaid by the debtor how credited		Balance to be recovered from the debtor		Signature of the money lender	Remarks
							Principal	Interest	Principal	Interest		
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM 9.

(*See* rule 18)

Cover Page

PASS BOOK

Name of the licensed Money-Lender.....

His Address ; ;.....

Name of the Debtor.....

His Address.....

Contents of the Pass Book

PASS BOOK.

Name of the Money-Lender..... .....

His Address.....

Name of Debtor.....——.....

His address.....

Date of loan.....

Amount of loan..... .....

Rate of interest per annum..... .....

Nature of Security.....

Particulars of document..... .....

Any special conditions on which the loan is advance.....

Creditor			Debtor		
Amount	Date	Particulars	Amount	Date	Particulars
Total Receipt			Total Payment		
Abstract			Principal Interest		

FORM 10

(*See* rule 19)

Please take notice under Clause (a) of sub-section (1) of Section 30 of the Mysore Money-Lenders Act, 1961, that pursuant to the agreement made by me with

you to assign <u>the loan</u> / <u>the balance of loan</u> / <u>interest on the loan</u> / balance of interest on the loan

advanced to Mr. Address.....together with accrued interest/balance of interest and benefits of the agreement under which the aforesaid loan was given to the debtor as well as security in respect of loan/interest on loan, you will be subject, with effect from .....
to the provisions of the Mysore Money-Lenders Act, 1961.

Signature of the Money-Lender

Prior assignee of the Money-Lender.

Date :

FORM 13

(*See* Rule 20)

(Application to a Court under sub-section (1) of Section 33 for taking accounts)

In the Court of .....

Mis. Case No. ... of 19...

The undermentioned debtor applies for taking accounts of the loan described below and for declaring the amount due to the money-lender.

Particulars of loan.

1 Documents, if any, with particulars .

2 Amount :

3 Description of the money-lender ·

(*a*) Name.

(*b*) Father's/Husband's name.

(*c*) Address.

4. Description of the debtor :

(*a*) Name.

(*b*) Father's/Husband's name.

(*c*) Address.

Date Signature.

FORM 14

(*See* Rule 15)

Summons to Money-Lender.

No. Name of the office.....

To

Whereas your application for grant of a licence under the Mysore Money Lenders Act, 1961, has been received by me, you are hereby summoned in accordance with Section 14 of the said Act to appear before me at the above address in person on the ... .. day of ..... 19... at... O'clock in the..... NOON, for your being examined in connection with the said application ; and you are directed to produce on that day all the documents upon which you intend to reply in support of your application.

Take notice that, in default of your appearance on the day before mentioned, your application for grant of licence under the said Act, shall not be considered.

Given under my hand and seal this..... ....day of.....19...

Seal. Signature of the Officer.

Finance Secretariat.

NOTIFICATION.

Bangalore, dated the 12th April 1965

G. S. R. 494.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

"Form No. M. F. C. 45 shall be *substituted* by the following form".

509

FORM MFC–45.

(Article 225)

Form of Agreement to be executed before drawing an advance for the Purchase of Motor Vehicle.

AN AGREEMENT made on..... .....day of .....one thousand nine hundred and..... BETWEEN.....(hereinafter called the Borrower which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Governor of Mysore (hereinafter referred to as Government which expression shall include his sucessors in office) of the other part. Whereas the Borrower has under the provisions of the Mysore Financial Code 1958 (hereinafter referred to as the said Rules which expression shall include any amendments thereof for the time being in force) applied to Government for a loan of Rs... ....for the purchase of a motor vehicle and whereas the Government has agreed to lend the said amount to the Borrower on the terms and conditions hereinafter contained NOW IT IS HEREBY AGREED between the parties hereto that in consideration of the sum of Rs..... .....*to be paid* by the Government to the Borrower, the Borrower hereby agrees with the Government (1) to pay the Government the said amount with interest and penal interest if any, leviable calculated according to the said Rules by monthly deductions from his salary as provided

in the said Rules and hereby authorises the Government to make such deductions, and (2) within *three* months from the date of payment of the said sum to expend the full amount of the said loan in purchase of a motor vehicle or if the actual price paid is less than the loan to repay the difference to the Government forthwith, and (3) to execute a document hypothecating the said motor vehicle to the Government as security for the amount to be lent to the Borrower as aforesaid and interest and penal interest if any, leviable, in the form provided by the said Rules and IT IS HEREBY LASTLY AGREED AND DECLARED THAT IF THE MOTOR VEHICLE has not been purchased and hypothecated as aforesaid within three months from the date of the payment of the said sum or if the borrower within that period becomes insolvent or quits the service of the Government or dies, the whole amount of the loan and interest and penal interest if any, leviable, accrued thereon shall immediately become due and payable.

In WITNESS whereof the BORROWER and.....for and on behalf of the Governor have hereunto set their hands the day and year first before written.

*Signed by the said in the
presence of

....

....
(Signature of Witnesses).

....
(Signature and designation of the Borrower).

Signed by (Name and designation).

....
for and on behalf of the Governor
of Mysore in the presence of

....

....
(Signatures of Witnesses).

.....
(Signature and designation of the Officer).

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*Name and designation of the Borrower.

[No. FD 20 RFC 64]

By Order and in the name of the Governor of Mysore,

29 N. S. BHARATH, *Deputy Secy.*

the limits of such port. but were actually exported out of the sea-port or air-port ;

(c) the goods were not carried by an operator who is permitted to make lumpsum payment of the tax under section 14 ;

the tax Officer, may grant him a draw-back or the tax paid in respect of such goods.

2. To claim draw-back admissable under sub rule (1) application shall be made in form IX–A to the Tax officer.

Provided that no application shall be entertained unless it is made within six months from the date on which the goods reached the Sea-port or the Air-port as the case may be.

3. On receipt of an application under sub-rule (2), the Tax officer shall, after making such enquiries as he deems fit. by an order in writing, either grant or reject the application for draw-back. Where the application is rejected, the Tax officer shall record in his order reasons for doing so.

4. The Tax officer may, for the purpose of enquiry under sub-rule (3), to satisfy himself that the goods were actually exported, call upon the operator to produce such records, accounts and other documents and information as he may deem fit.

5. The draw-back may be given either by cash payment or by deduction of such draw-back towards the amount of tax and penalty due from the applicant.

Provided that the Tax officer, shall first apply such amount of draw-back towards the recovery of any amount due in respect of which a notice under section 9 has been served on the operator and shall then pay the balance, if any, to the applicant or set it off against any other amount due from him.

3. Insertion of new Form IX-A :—

After Form IX of the said rules, the following Form shall be inserted, namely :—

"FORM IX-A"

(See rule 21-A)

Application for grant of draw-back.

The Tax Officer,

.....

.....

I/we..... residing at..... Operator/Operators, hereby apply for the grant of the draw-back/setoff of the tax paid by me/us under the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 the particulars of which are furnished below :—

1. Registration mark of the goods vehicle.....
2. Nature of goods.
3. Carried from.....to.....
4. Date on which goods reached airport/seaport.
5. Name of the Consigner.
6. Name of the Consignee.
7. Amount of the tax in respect of which drawback is claimed Rs..... .....

I/We attach the way-bill relating to the journey of the goods vehicle in which the goods were carried.

I/We hereby declare that :—

(a) the goods were not unloaded in the course of the journey except due to mechanical breakdown of the goods vehicle and for a period not exceeding seven days ;

(b) the goods were not used or kept for use within the limits of the Airport/Seaport to which they were carried as stated in item 3 above The goods were not carried back to a point outside the limits of the Airport/Seaport mentioned in item 3 above, but were actually exported out of the Airport/Seaport.

(c) the particulars stated by me/us above are true to the best of my/our knowledge and belief.

Signature or lefthand thumb impression of the operator/s or his agent/s

Date, Name and address"

[No. HD 196 TMT 63].

By Order and in the name of the Governor of Mysore,

20 V. RAMANATHAN, *Under Secy.*

6. Receipts .—A receipt shall be granted to every applicant acknowledging the receipt of the charges and the purpose for which the charges are received.

[No. DRL 24 RPA 61.]

By Order and in the name of the Governor of Mysore,

25 SYED GULAM KHAJA, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st April 1965.

G. S. R. 498.—The following draft amendment to the Mysore Minimum Wages Rules, 1958 which the Government of Mysore proposes to make in exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) is hereby published as required by sub-section (1) of Section 30 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th May 1965.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT AMENDMENT.

In Rule 22 of the Mysore Minimum Wages Rules, 1958, in sub-rule (2), after clause (xi) the following clause shall be added, namely :—

"(xii) Deductions from the wages of employees in a scheduled employment for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government may be made with the written authorisation of —

(i) the employed person or,

(ii) the President or the Secretary to a registered Trade Union of which the employed person is a member subject to the following conditions,—

(i) The President or in his absence, the Secretary of a Registered Trade Union shall,—

(a) the President, or in his absence, the Secretary of a Registered Trade Union shall—

(i) make a written authorisation permitting the employer to make such deduction from the wages of employees ;

(ii) send in duplicate, to the employer, a copy of list showing the names and descriptions of the employees who are members of the trade union and indicating therein the amount to be deducted, or the extent of deductions which are to be made, from the wages of each employed person, along with a copy of the resolution adopted at a meetting of such trade union authorising such deductions ; and

(iii) send a copy of the said list and resolution to the person who acts as Inspector for purposes of section 19 of the Minimum Wages Act, 1948 (11 of 1948).

(b) the employer shall display in conspicuous place at the main entrance to the establishment and its office one of the two copies of such list and resolution received from the President or Secretary, as the case may be, of the trade union, for at least a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employees ;

(c) if any employee objects in writing to any deductions being made from his wages, or if he objects as to the amount or extent of the

deductions indicated in the list displayed by the employer, no deduction shall be made from his wages except in accordance with the written authorisation of such employee.

[No. PLM 85 LMW 63.]

By Order and in the name of the Governor of Mysore,

26 K. M. SOMASHAKER, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 19th April 1965.

G.S.R. 499.—In exercise of the powers conferred by Section 31 of the Mysore Khadi and Village Industries Act, 1956 (Mysore Act 7 of 1957) the Government of Mysore hereby makes the following rules to further amend the Mysore Khadi and Village Industries Rules, 1957, namely:—

1. Title.—These Rules may be called the Mysore Khadi and Village Industries (Amendment) Rules, 1965.

2. Amendment of Rule 4.—In rule 4 of the Mysore Khadi and Village Industries Rules, 1957, in clause (*a*) of sub-rule (i) for the words "two hundred rupees" the words "three hundred rupees" shall be substituted.

[No. CI 143 RRD (D) 63.]

By Order and in the name of the Governor of Mysore,

27 C. KRISHNAMURTHY ROW SAHIB, *Under Secy.*

GENERAL ADMINISTRATION DEPARTMENT (O. & M.)

CORRIGENDUM.

Bangalore, dated 23rd April 1965.

G. S. R. 500.—In rule 3 of the Mysore Government Servants' (Medical Attendance) (Amendment) Rule, 1965, issued under Notification No. GAD 18 OMR 63, dated 3rd March 1965 in Part IV, Section 2(c)–(i) of the *Mysore Gazette* dated 18th April 1965,—G.S.R. 428 :—

(i) For the words, brackets and letter "after clause (i)" read the words, brackets and letter "after clause (j)";

(ii) For the letter and brackets '(j)', read the letter and brackets '(k)'.

[No. GAD 2 OMR 63.]

By Order and in the name of the Governor of Mysore,

1785 S. ZAHIRUDDIN HASSAN, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bangalore.

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 5th May 1965.

G.S.R. 502.—WHEREAS the Government of Mysore considers that certain amendments to the Mysore Prohibition (Manufacture and Use of Wine for Sacramental Purposes) Rules, 1963, should be brought into force at once;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) read with the proviso to sub-section (3) of section 124 of the Mysore Prohibition Act, 1961 (Mysore Act 17 of 1962), the Government of Mysore hereby makes the following rules, namely :—

1. Title and commencement.—(1) These Rules may be called the Mysore Prohibition (Manufacture and Use of Wine for Sacramental Purposes) (Second Amendment) Rules, 1965.

(2) It shall come into force at once.

2. Amendment of rule 21.—Sub-rule (2) of rule 21 of the Mysore Prohibition (Manufacture and Use of Wine for Sacramental Purposes) Rules, 1963 (hereinafter referred to as the said rules) shall be omitted.

3. Amendment of Form S. W. (7).—In Form S. W. (7) of the said rules,—

(i) the words and letters "on payment of a fee of Rs. ....in advance" shall be omitted;

(ii) for the words and figures "during the period from..... .....to ....19 .....19....." the words and figures "during the period from ..... to 31st March 19 ....." shall be substituted.

[No. HD 19 EFL 65].

By Order and in the name of the Governor of Mysore,

MIR IKRAMUDDIN ALI KHAN, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

General Administration Secretariat.

NOTIFICATION

Bangalore dated 21st April 1965.

G. S. R. 493.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following further amendments to the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957; namely :—

In the schedule II of the said Rules, for the last two entries in columns (3), (4) and (5) relating to Gramsevaks and Gramsevikas, the following entries shall be substituted, namely:—

" Development Commissioner.	(v) to (viii)	Government".

[No. GAD 60 SSR 65.]

By Order and in the name of the Governor of Mysore,

31 C. R. SESHADRI, *Deputy Secy.*

Finance Secretariat.

NOTIFICATION

Bangalore, dated 12th April 1965.

G. S. R. 495.—In exercise of the powerso conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules further to amend the Mysore Government Servants (Compulsory Life Insurance) Rules, 1958, namely :—

1. Title.—These rules may be called the Mysore Government Servants (Compulsory Life Insurance) (Amendment) Rules, 1965.

2. Amendment of rule 40.—In rule 40 of the Mysore Government Servants' (Compulsory Life Insurance) Rules, 1958 (hereinafter referred to as the said rules), after sub-rule (3) the following sub-rule shall be inserted, namely :—

"(3A) A loan under this rule shall not be granted in respect of a policy given as an additional security for the repayment of house building, house purchase or house repair advance made to the insured."

3. Amendment of Form A.—In Form A appended to the said Rules,

(i) after the entries in Colum 3, the following Column and entries shall be inserted, namely :—

"3 A.	Particulars of pay drawn, total deductions from the pay, the nature of such deductions and the net pay drawn.	Gross Salary..... Total deductions..... (to be shown separately)

(i) In the declaration of the Applicant, after Column 8, the following sentence shall be added, namely :—

"I also declare that I have not drawn any House Building Advance or House Purchase Advance or House Repair Advance on the security of the policy / policies mentioned in this application.

[No. FD 28 FID 65].

By Order and in the name of the Governor of Mysore,

R. A. Ramaswamy, *Under Secy.*

NOTIFICATION.

Bangalore, dated 3rd April 1965.

G. S. R. 502.—In exercise of the powers conferred by section 7 and 41 of the Mysore Religious and Charitable Institutions Act, 1927 (Mysore Act 7 of 1927), the Government of Mysore hereby makes the following rules, namely.—

1. Title, application and commencement.—(1) These rules may be called the Sravanabelagola Jain Muzrai Institutions Management Rules, 1965.

(2) They shall apply to the Muzrai institutions at Sravanabelagola specified in the Schedule to these rules.

(3) They shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. Definitions.—In these rules, unless the context otherwise requires,

(*i*) "Act" means the Mysore Religious and Charitable Institutions Act, 1927 (Mysore Act 7 of 1927);

(*ii*) "Chairman" means the Chairman of the Committee;

(*iii*) "Commissioner" means the Commissioner for Religious and Charitable Endowments in Mysore;

(*iv*) "Committee" means the Committee of Management constituted under these rules;

(*v*) "funds" means the funds constituted out of the income of the institutions;

(*vi*) "institutions" means the Muzrai institutions at Sravanabelagola specified in the Schedule to these rules;

(*vii*) "member' means a member of the Committee;

(*viii*) "Secretary" means the Secretary of the Committee;

(*ix*) "Sub-Committee" means a Sub-committee of the Committee,

(*x*) "Vice-Chairman" means the Vice-Chairman of Committee;

3. Constitution of the Committee.—(1) There shall be a Committee called the Committee of Management for the management of the institutions and it shall have such powers and perform such duties as are provided in these rules.

(2) The Commitee shall consist of,—

(*i*) the Deputy Commissioner, Hassan District, who shall *ex-officio* be the Chairman of the Committee;

(*ii*) Sri Bhattarkaji of the Jain Mutt at Sravanabelagola who shall be the Vice-Chairman of the Committee;

(*iii*) Twenty-one members appointed by the State Government.

(3) The members of the first committee shall be appointed by the State Government in consultation with the All India Digamber Jain Thirthakshetra Committee, Bombay, and such other Jain Associations at the State Government may consider expedient to consult.

(4) One-third of twenty-one members appointed under sub-rules (1) and (2) shall retire as soon as may be on the expiration of every third year; provided that one-third of the members of the first committee who shall retire on the expiration of the third year, the sixth year and the ninth year shall be determined by the State Government.

(5) In the event of a vacancy arising out of retirement death, resignation or otherwise of any member, such vacancy shall be filled by appointment of any other person by the State Government after consultation with the remaining members of the Committee.

(6) Any person appointed to fill a vacancy other than a vacancy arising by virtue of retirement under sub-rule (4) shall hold office only so long as the member in

whose place he is appointed would have held office if the vacancy had not occured.

4. Secretary.—The Commissioner shall appoint an officer of the Endowment Department or of the Revenue Department who is a person professing the Jain or the Hindu religion to be the Secretary of the Committee.

5. Disqualifications.—A person shall be disqualified for being appointed as, and for being, a member of the Committee,

(*i*) if he is not more than twenty-one years of age:

(*ii*) if he is a person who does not profess the Jain religion or the Hindu religion;

(*iii*) if he has been convicted by a criminal court for any offence;

(*iv*) if he is an undischarged insolvent;

(*v*) if he is of unsound mind; or

(*vi*) if, in the opinion of the State Government, he has been indulging in acts against the interests of the institutions.

6. Disability.—If any member,—

(*i*) absents himself from three consecutive meetings of the Committee without such reasons as may, in the opinion of the State Government, be sufficient, or

(*ii*) leaves India permanently; or

(*iii*) absconds and his whereabouts are not known for a period of one year, or

(*iv*) becomes subject to any of the disqualifications specified in rule 5,

the State Government shall declare his office vacant.

7. Sub-Committe.—The Committe may constitute sub-committees of members for such purposes as it deems fit.

8. Powers and functions of the Committee.—(1) The Committe shall supervise and control all secular and religious matters relating to the institutions.

(2) In particular and without prejudice to the generality of the power under sub-rule (1), the Committee shall,—

(*a*) supervise and make arrangements for the day-to-day worship and other religious ceremonies pertaining to the institutions;

(*b*) make proper and effective arrangements for the Mahamastakabhisheka held at periodical intervals;

(*c*) provide for the comports and conveniences of the pilgrims;

(*d*) supervise, manage, develop, renovate and repair the buildings belonging to the institutions;

(*e*) supervise and provide for the management of the founds and the moveable and immoveable properties belonging to the institutions;

(*f*) undertake social, religious and benevolent activities,

(*g*) collect, receive or accept funds, donations and gifts on behalf of the institutions;

(*h*) fix or modify the *sevartha* fees subject to the approval of the Commissioner;

(*i*) discharge such other duties as are incidental to the duties specified in the preceding clauses,

9. Emergency powers of the Chairman.—Notwithstanding anything contained in these rules, it shall be within the competence of the Chairman in an emergency to exercise all or any other powers of the Committee. He shall in such a case and as soon as may be thereafter report the action taken by him to the Committee.

10. Powers and duties of the Secretary.—(1) The Secretary shall be in charge of the day-to-day administration

of the institutions, receive all moneys due to the institutions and make disbursements on behalf of the institutions.

(2) The Secretary shall be in charge of all the moveable properties and the records belonging to the institutions.

(3) The powers of appointment and removal of the servants of the institutions and the authority to take disciplinary proceedings against them shall vest in the Secretary and every order made by the Secretary in this behalf shall be subject to confirmation by the Chairman.

(4) The Secretary shall be responsible for the proper upkeep and maintenance of the institutions and for the proper performance of daily services or periodical festivals in accordance with the usage and custom of the institutions.

(5) The Secretary shall maintain true and proper accounts supported by vouchers of all receipts and disbursements of the institutions.

(6) No person other than the Secretary shall entitled to receive any money on behalf of the institutions or to make disbursements out of the moneys belonging to them.

(7) The Secretary shall be responsible for the preparation and submission of the budget and other periodical returns.

(8) The Secretary shall be in charge of the office of the Committee and shall issue notices and attend to all other duties relating to the convening of the meetings of the Committee and sub-committees of the Committee.

11. Fund of the Institutions :—(1) The following shall constitute the fund of the institutions, namely :—

(i) all rents from lands and other properties of the institutions,

(ii) interest received on investments,

(iii) interest on endowments,

(iv) Dabbi or Golka collections,

(v) Servartha fees,

(vi) offerings and donations,

(vii) grants from Government,

(viii) all proceeds of land and other property sold or compulsarily acquired, and

(ix) such other income as may accrue to the institutions from time to time.

(2) The fund of the institutions shall be deposited in the Taluk Treasury in the name of the Chairman and the accounts shall be operated upon by the Chairman or, if so directed by the Chairman, by the Secretary.

12. Application of the fund of the institutions :—The fund of the institutions shall be applied subject to the provisions of the Act and these rules for,—

(*a*) the maintenance, management and administration of the institutions ;

(*b*) the expenses of daily and periodical religious rites in the institutions ;

(*c*) the construction and maintenance of Dharmasalas and rest houses for the use of pilgrims ;

(*d*) the provision of water supply and the making of sanitary arrangements for the convenience of the pilgrims ;

(*e*) the undertaking of any work authorised by the Government in conformity with the objects of the institutions ;

(*f*) the acquisition of any immoveable property for the purposes of the institutions; and

(*g*) such other purposes as the Committee may determine for discharging the duties entrusted to the Committee.

13. Budget.—(1) The Secretary shall prepare a budget stimate of the income and expenditure of the institutions before such date as the Commissioner may specify for the year commencing from the first day of April and submit the

same to the Chairman. The Chairman shall place the budget before the Committee for consideration, and the Committee may approve the budget with such modifications as it deems fit. The budget as approved by the Committee shall be submitted to the Commissioner at least one month before the expiry of the previous accounting year. The Commissioner may approve the budget with such modifications as he may consider necessary.

(2) The Secretary shall prepare a special budget for the Mahamastakabhisheka and it shall be dealt with in the same manner as an ordinary budget referred to in sub-rule (1):

Provided that the special budget shall be sent to the Commissioner at least one year before the commencement of the first religious ceremony connected with the Mahamastakabhisheka, and the budget shall be subject to the sanction of the Government with such modifications as it may deem fit.

14. Accounts and audit.—The accounts of the institutions shall be maintained and audited in such manner as the Commissioner may, by order, determine.

15. Jewels and costly articles.—(1) Jewels and other costly articles of the institutions not required for daily use shall be kept in a separate safe in one of the institutions to be specified by the Chairman.

(2) No jewels or other properties belonging to the institutions shall be pledged, exchanged, lent, converted, or sold without the previous sanction of the Chairman.

(3) The Chairman shall check and verify the jewels and other costly articles every year and submit a report of such verification to the Commissioner.

16. Dabbi or Golka.—The Dabbis or Golkas shall be kept at such places and the keys thereof kept in the custody of such persons and shall be opened subject to such conditions as the Commissioner may, by order, direct.

17. Leases of immoveable properties.—All leases of the lands, buildings and other immoveable properties of the institutions shall be made through pulic auction by the Secretary and shall be subject to confirmation by the Chairman :

Provided that leases other than by Public auction may be made with the previous sanction of the Commissioner.

18. Dharmadarsis not to be appointed for the institutions.— For the management of the institutions, Dharmadarsis shall not be appointed under Section 6 of the Act, and the Dharmadarsis appointed before the commencement of these rules shall cease to be the Dharmadarsis of the institutions from the date of the commencement of these rules.

19. Savings.—(1) The provisions of these rules shall be applicable to the management of the institutions notwithstanding anything inconsistent with any rule made by the State Government under the Act regulating the management of Muzrai institutions.

(2) Subject to the provisions of sub-rule (1), the rules made under the Act in respect of Muzrai Institutions shall continue to be applicable to the institutions.

SCHEDULE.

1 Sri Gomateswaraswamy temple.
2 Upparike Sri Brahmadevaru
3 Bharata Bhujabali Basthi.
4 Siddarabasthi.
5 Chandannanavara Basthi.
6 Hosa Basthi.
7 Jaruguppe Brahmadevaru
8 Vadagal Basthi Adiswaraswamy.
9 Sri Parswanathaswamy Doddabasthi.
10 Shanthinathaswamy Basthi
11 Kattala Basthi Parswanathaswamy.
12 Chandraprabhaswamy Basthi.
13 Shasanda Basthi.
14 Suparawathaswamy Basthi.
15 Chamundarayana Basthi.
16 D. Memegala Basthi.
17 Yaradukatte Adiswaraswamy Basthi.
18 Terina Basthi Gomateswaraswamy.
19 Gandarva Basthi Shanteeswaraswamy.
20 Kadi Basthi Shanteeswaraswamy.
21 Akkana Basthi.
22 Danasale Basthi.
23 Siddanta Basthi.
24 Nagara Janalaya Basthi
25 Mangaye Basthi Ananthapadmanabhaswamy.
26 Sree Bandara Basthi
27 Majjagannana Basthi Chikkabetta.
28 Chandraguptara Basthi.
29 Guhe Padamavathammanavara Basthi.
30 Chikkalammanavara Basthi.
31 Sri Matada Basthi's
32 Eswaradevalaya.

[No. FD 62 RTC 63].

By Order and in the name of the Governor of Mysore,

15 V. A. GUMASTE, *Under Secy.*

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 26th March 1965.

G. S. R. 503. –The following draft amendment to the Mysore Taluk Boards Loans Rules, 1960, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 170 read with Section 210 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959), is hereby published as required by sub-section (1) of section 210 of the said Act, for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 13th June 1965.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft before the date specified above, will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Development, Panchayati Raj and Co-operation Department, Vidhana Soudha, Bangalore–1.

DRAFT AMENDMENT

1. Title.—These Rules may be called the Mysore Taluk Boards Loans (Amendment) Rules, 1965.

2. Substitution of new rule for rule 16.—For Rule 16 of the Mysore Taluk Boards Loans Rules, 1960, the following Rule shall be substituted, namely :—

"**16. Sinking Fund for non-Government loans.**—(1) In the case of a non-Government loan, if the loan is not repayable by annuities or annual drawings, the Taluk Board shall establish a sinking fund in the following manner, namely :—

(i) it shall pay out of its income, yearly or half-yearly, into such funds a sum which, accumulating at such rate

of compound interest as the authority sanctioning the loan may fix, will be sufficient to secure the liquidation of the loan and within the term fixed for its repayment ; and

(ii) it shall make the first of such payments within one year from the date of taking or raising the loan, unless the sanctioning authority otherwise directs.

(2) The Taluk Board shall invest its sinking fund in the Central or State Government securities or such other securities as may be approved by Government :

Provided that when a loan or an instalment of a loan is to mature within twelve months from the date from which a sum is payable into the Sinking Fund under sub-rule (1), the Taluk Board may deposit in the Government Treasury, or with the approval of the Commissioner, in any Scheduled Bank or any Co-operative Bank in the State, such sum or such portion thereof as may be necessary for repayment of such loan or instalment.

(3) The Taluk Board shall submit the accounts of its sinking fund annually to the Accountant General, Mysore, and shall at once make good from its income any amount by which he may certify that the fund is deficient unless the Government sanctions a gradual re-adjustment. The accounts of the Sinking Fund maintained by the Chief Executive Officer shall be made available for such test check by the Accountant General as he may deem fit to make."

[No. LLH 17 RPA 60.]

By Order and in the name of the Governor of Mysore,

35 SYED GULAM KHAJA, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 1st April 1965.

G. S. R. 504.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendments to the Mysore Treasury Code, 1963, namely,—

In the said Code, in Volume I.

(1) In Article 3, *insert* the following as item 6-A.

"6-A : The Director of Treasuries in the Chief Controlling Authority of the Treasuries in the State and their administration devolves on him".

(2) Article 6 shall be *substituted* by the following :—

"6. The District Treasuries in the State are under the administrative control of the Director of Treasuries, their immediate executive charge being entrusted to the District Treasury Officers subordinate to him".

(3) Article 7 shall be *substituted* by the following :—

"7. The Sub-treasuries in the District are similarly under the administrative control of the District Treasury Officer in whose jurisdiction the Sub-treasuries are situated. The executive charge of a Sub-treasury is entrusted to the Treasury Sheristedar who will be referred to as Sub-treasury Officer".

33

(4) Article 8 shall be *substituted* by the following :—

"8. **Director of Treasuries.**—The responsibility for the proper management and working of the treasuries rests entirely with the Director of Treasuries and the District Treasury Officers and no part of such responsibility devolves on the Accountant General. The Director of Treasuries is the Chief Controlling Authority of the Treasuries in the State and their administration devolves on him".

34

(5) Article 9 shall be *substituted* by the following :

"9. The Director of Treasuries is responsible to Government for the general administration and working of treasuries in the State. The Director of Treasuries or an officer authorised by him should satisfy himself by periodical examination at least once in six months that the actual stock of cash (notes and coins) is kept under double lock and corresponds with the book balances, and that a larger sum than is necessary for the convenient transaction of Government business

is not held. The Director of Treasuries or the Deputy Director of Treasuries should inspect each District Treasury at least once a year and prepare a report as to whether the rules relating to the custody of treasure and the transaction of treasury business are closely followed, whether the registers are in good order and whether the prescribed accounts are sent correctly and punctually. The Director of Treasuries is responsible for securing implicit and prompt compliance by Treasury Officers of the instructions issued by the Accountant General, Currency Officer or other competent authority and for the immediate detection and regularisation of any irregular practice observed on the part of subordinate officers. Reports of subordinate officers on irregularities pointed out by the Accountant General, should be forwarded by the Director of Treasuries to the Accountant General only after he satisfies himself that the report furnished by the subordinate officer is correct in all particulars and fully meets the observations made by the Accountant General".

35

NOTE :—The following functions, however, devolve on the Deputy Commissioner *vis-A-vis* the treasuries :—

(i) The Deputy Commissioner can call for Treasury papers on matters connected with general administration.

(ii) In circumstances of emergency, the Deputy Commissioner can authorise the Treasury Officer to make payments without complying with the provisions of the M. T. C.

(iii) The Deputy Commissioner can direct the Treasuries to be kept open after working hours in periods of emergency.

(6) The main paragraph of Article 10 shall be *substituted* by the following :—

"The Director of Treasuries or an officer authorised by him should satisfy himself by periodical examination (at least once in six months for deposits, cash, stamps, opium, ganja, securitiest bill forms and sealed boxes and articles kep, under safe custody at the District Treasury)".

36

(7) The 'Note-1' below clause (5) of Article 10 shall be *substituted* by the following :—

37

Note 1.—The result of such periodical verification of stamps should be communicated to the Commissioner of Stamps in Form M. T. C—I".

(8) Insert the following as 'Note–4', under clause (5) of Article 10 :

38

Note: 4. A certificate of verfication as required under Article 274 of M. F. C. must be recorded on the extract register of receipts of the District Treasury."

(9) *Insert* the following as clause 6, under Article 10 :

"(6) That the register of sealed boxes and articles are kept in accordance with rules and that the entries made therein are correct and that the seals are in tact".

39

(10) Article 11 shall be *substituted* by the following :

"11 : The District Treausury officers when assuming or making over charge of a District Treasury should see that the balance of cash, stock of stamps, opium, etc., and sealed boxes and articles kept in safe custody are thoroughly verified and that the certificate of taking over charge in Form No. M. T. C. 2, is invariably despached to the Accountant General, on the same day that the transfer takes place".

40

(11) Delete Article 12.

41

(12) In Article 14, in line 8, the words "Deputy Commissioner, Treasury Department" shall be *substituted* by the words "District Treasury Officer".

42

(13) Article 15 shall be *substituted* by the following :

"15 : Every Tahsildar and Sub-treasury Officer on taking over charge for the first time, of a new Taluk should satisfy himself that the accounts, books etc. of the Sub-treasury are in proper order and brought up-to-date. He should also count all cash, notes, stamps, opium cakes, ganja boxes in stock including sealed boxes, and take charge of them, after satisfying himself that the balances agree with those shown in the accounts and see that the condition of sealed boxes is intact. He should send up a report of the taking over in Form No. M.T.C.-2 to the District Treasury Officer and to the Accountant General, immediately.

43

(14) In the 'Note' below Article 18 (c) *substituted* " Director of Treasuries " in place of Deputy Commissioners, Treasury Department ".

44

(15) Article 20, shall be *substituted* by the following :

"20 : All Communications regarding treasury work will be addressed to the Director of Treasuries or the concerned District Treasury Officers, as the case may be.

45

1. The responsibility for all the treasury and account business rests entirely with the district Treasury Officer.

2. The Accountant General, may Direct his Communications regarding Treasury accounts and procedure either to the Director of Treasuries or to the District Treasury Officer, but all important communications to the Accountant General (and other officers) must issue through the Director of Treasuries.

3. The Tahsildar must not treat the Sub-treasury as a separate and independent office. In all important questions or enquiries concerning the Sub-treasury work he should furnish his own remarks or explanations and not those of the Sub-treasury Officer.

(16) (i) In Article-22, in line 6, the words "Deputy Commissioners" shall be *substituted* by the words "District Treasury Officers".

46

(ii) The 'Note' below this article shall be *substituted* by the following :

"*Note* : The sufficiency of all securities should be examined by the District Treasury Officer and a report made to Government through the Director of Treasuries before the 15th April each year. The report must clearly show whether the security in each case is sufficient and in a realisable form.

(17) Article 23 (ii) shall be *substituted* by the following :

"23 (ii) The District Treasury Officer should not simply forward replies received from the Tahsildars without further investigation. Such replies as 'Tahsildar's reply attached', 'Correspondence relating to the subject forwarded herewith', will not ordinarily be accepted. If it be considered necessary to forward such replies or correspondence in original to the Audit Office, a brief abstract thereof in English (if the correspondence is not in English) should invariably be given

with the remarks thereon of the District Treasury Officer. Such correspondence received from the Sub-treasuries should ordinarily be retained in the District Treasury and not sent to the Audit Office. In case of recoveries of overpayments, it is not sufficient to say 'the amount recovered'; the number and date of voucher in which the amount has been short drawn or the treasury item of credit in the schedule concerned, if it is a cash recovery, should invariably be stated.

47

(18) Article 25 shall be *substituted* by the following

"25 : As the Director of Treasuries is the head of Treasuries in the State, it is necessary that he should be inspecting the treasuries, acquire a direct knowledge of the State of each treasury, and set right the defects. His attention during such inspection will be confined only to important matters such as those specified in Article 29 below. The District Treasuries will be inspected by him or by the Deputy Director at least once a year and a report of serious defects or irregularities noticed made to Government. In the report he should indicate also the steps taken by him to remedy the defects, etc. As the object of the inspection by the Director of Treasuries is to effect an improvement in the administration of treasuries, it will be entirely within his discretion to conduct his inspection in any manner he deems fit. The communications to him of the irregularities detected in the course of audit in the office of the Accountant General, will enable the Director of Treasuries readily to know what

defects and drawbacks in each treasury requier to be remedied ".

48

(19) Delete Article 26 :

(20) (i) Clause (1) of Article 27 shall be *substituted* by the following :—

49

" (1) There should be one annual technical inspection of each Sub-treasury in his jurisdiction by the District Treasury Officer, and one general inspection once in three years by an Assistant Director of Treasuries. In addition, the District Treasury Officer should make surprise inspections of cash and other valuables in the Sub-treasuries atleast once every half year ".

50

" *Note* : The District Treasury Officers are, however, permitted to depute the Assistant Treasury Officer or the Head Accountant where there is no post of Assistant Treasury Officer in the District Treasury, to conduct surprise inspections of Sub-treasuries on their behalf ".

(ii) Clause (2) of Article 27 shall be *substituted* by the following :

" (2) During their inspections the Inspecting Officers should direct their attention especially towards verifying the stocks of stamps in addition to checking cash balance, opium, gangja, etc., articles kept in safe custody, stock of forms etc., and other valuables and ascertaining whether the staff is duly qualified and efficient, whether

the conveniences of the public having transactions with the treasury are attended to and whether the freasury business is conducted according to the instructions laid down in this Code and in the Accountant General's Circulars. The questions prescribed for use during technical inspections are given in Appendix IV. They should be answered by the inspecting officers after personal examination and a report submitted by him to the Director of Treasuries immediately after the inspection is over. The inspection report should be promptly reviewed by the Director of Treasuries and necessary instructions, should be issued for the rectification of defects brought to notice. The directions contained in Article 10 will also be followed *mutatis mutandis*, by these inspecting officers''

(21) In Article 28, in line one, the words 'Deputy Commissioners' shall be *substituted* by the words 'Director of Treasuries'.

51

(22) (i) In Article 30, in para 2, the words 'Deputy Commissioner' wherever it occurs, shall be *substituted* by the words 'Director of Treasuries'.

(ii) Para 4 of Article 30 shall be *recast as* follows:

"The inspection of treasuries by the officers of the Indian Audit Department does not in any way, lessen the responsibility of the Director of Treasuries for the management and inspection of treasuries in the State.

(iii) The words 'Deputy Commissioner' in the 'note' below Article 30, shall be *substituted* by the words 'District Treasury Officer'.

52

(23) In Article 32 in line 3, the words 'Deputy Commissioners of Districts may themselves' shall be *substituted* by the words 'Director of Treasuries may himself'.

53

(24) In Article 33, in the sub-para, the words 'Divisional Commissioners' 'Deputy Commissioners' and 'Tahsildars' shall be *substituted* respectively by the words 'Director of Treasuries, District Treasury Officers and Tahsildars.

54

(25) **In Article 35 (a),**

(i) in Clause (3), the words 'Deputy Commissioner' in line 4 and the words 'Divisional Commissioner' in line 9 shall be *substituted* by the words Director of Treasuries'.

(ii) in clause (6), the words 'Divisional Commissioner in line 3, shall be *substituted* by the words 'Director of Treasuries'.

The words 'Deputy Commissioners' in the 'Note' below Clause (6), shall be *substituted* by the words 'District Treasury Officers' and the following words shall be added at the end :—

"and a report should be sent to the Director of Treasuries".

55

(26) In Article 35 (b), the words 'Divisional Commissioner' occurring in line 3 and in clause (3) shall be *substituted* by the words "Director of Treasuries"

56

(27) In 'Note–2' below Article 42, the words 'Deputy Commissioners' occuring in line 4, shall be *substituted* by the words 'District Treasury Officers'

57

(28) The second and third paras of Article 44, shall be *substituted* by the following:

> 'In the case of bank sub-treasuries, these calendars will be examined by the Tahsildar/Sub-treasury Officer at the time he signs the daily sheet for the closing day for the month and the fact certified in that sheet before its despatch to the District Treasury.
>
> In the District Treasuries which are all bank treasuries the calendar of returns should be examined by the District Treasury Officers, at the time they sign the monthly accounts to be sent to the Accountant General'

58

(29) **Insert** the following as Article 68–A.

> "68–A: In case of doubt about the signature of the drawing officer on the bills presented at the treasury, the treasury officer should obtain the orders of the Director of Treasuries who is expected to take such action as may be considered necessary depending on the merits of the case and should allow withdrawal of founds from the Treasury only after satisfying himself about the *bonafides* of the drawing officer".

59

(30) In Article 86, the words 'Deputy Commissioner' occurring in line 3, shall be *substituted* by the words Director of Treasuries'.

60

(31) In Article 96 (d), the words 'Deputy Commissioner' occurring in line 2 shall be *substituted* by the words "Director of Treasuries'.

61

(32) In Article 115(i), the words 'Deputy Commissioner' occurring in sub-para two and the words 'Divisional Commissioner' occurring in sub-para 3, shall be *substituted* by the words 'Director of Treasuries'.

62

(33) In 'Note-3', below Article 122(a) the words 'Tahsildar or the Deputy Commissioner' shall be *substituted* by the words 'District Treasury Officer or the Director of Treasuries'.

63

(34) Article 151 shall be *recast* as follows:

"151 The District Treasury Officer must always sign the account to be rendered to the Accountant General and the Currency Officer, after necessary scrutiny of the cash books, calendar of returns, etc.,"

64

(35) In Article 159, in line 4, the words 'Deputy Commissioner' shall be *substituted* by the words 'District Treasury Officer'.

65

(36) In the 'Note' below Article 160, the words 'Deputy Commissioner, Treasury Department' shall be *substituted* by the words 'The Director of Treasuries'.

66

(37) In Article 207(i) (b) *substitute* the words 'Director of Treasuries' for the words "Deputy Commissioner' occurring in line 6 of Clause (i) (b).

67

(38) Article 299 shall be *recast* as follows :—

" 299 Whenever the balance in a Sub-treasury exceeds or falls below the normal balance fixed by Rs. 5,000 or more, a remittance order may be obtained from the District Treasury Officer, either for remitting the excess, or for replenishing the treasury balance, unless the excess or deficiency is expected to be wiped out definitely within a fortnight. The remittance order, which will be in Form No. M.T.C. 59, will be prepared in quadruplicate. One copy will be sent to the Treasury Officer sending the remittance, another to the Officer receiving it, the third to the

Government in the Finance Department through the Director of Treasuries for information and the forth retained at the District Treasury for reference".

68

[No. FD 62 RTC 63]

By Order and in the name of the Governor of Mysore,

15 N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 27th April 1965.

G. S. R. 505.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules further to amend the Mysore Civil Services Rules, namely :—

1. *Title.*—These Rules may be called the Mysore Civil Services (Thirteenth Amendment) Rules, 1965.

2. *In Appendix II to the Mysore Civil Services Rules.*—

(1) in rule 7, after clause (b), the following clause shall be inserted, namely :—

" (bb) where the Scholar mortagages his own properties, collateral security of any two persons whose solvency is certified by an Officer of the Revenue Department not below the rank of Tahsildar shall be furnished. In sucha case the sureties shall be personally liable for their obligations under the Bond entered into in the form noted in Annexure " C "."

(2) In Annexure ' C ',—

(*i*) In clause 13, after the existing Paragraph, the following word and paragraph shall be inserted, namely :—

" or

The Scholar hereby mortgages in favour of the Government, the properties detailed hereunder by way of security for his liability under this Bond."

(*ii*) After Schedule II, the following Schedule shall be inserted, namely :—

"SCHEDULE III

(Properties mortgaged by the Scholar)

Shri....."

526

[U. O. No. FD 9 SRS 65.]

By Order and in the name of the Governor of Mysore,

19 C. BRITTO, *Under Secy.*

NOTIFICATION

Bangalore, dated 27th April 1965.]

G. S. R. 506.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. **Title.**—These rules may be called the Mysore Civil Services (Twelfth Amendment) Rules, 1965.

2. In clause (b)of rule 296 of the Mysore Civil Services Rules, after Note 2, the following Note shall be inserted namely,—

" Note 3 : Notwithstanding the rules by which the pension of a Government servant is governed, the personal pay which is attributable to loss of allowances granted under rules 9 and 12 of the Mysore Civil Services (Revised Pay) Rules, 1961, shall *not* count. Only that portion of personal pay granted under rules 11 and 14 and the entire personal pay granted under rules 8, 13, and 15 of the said Revised Pay Rules shall count. "

[No. FD 53 SRS 63.]

By Order and in the name of the Governor of Mysore,

C. BRITTO, *Under Secy.*

NOTIFICATION

Bangalore, dated 27th April 1965.

G. S. R. 507.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. Title.—These rules may be called the Mysore Civil Services (Eleventh Amendment) Rules, 1965.

2. In rule 379 of the Mysore Civil Services Rules, to sub-rule (2), the following Note shall be added namely,—

"Note 3 : In the case of an impaired life, where the applicant dies after the Medical Examination but before the expiry of the period prescribed for the withdrawal of the application for commutation, the commutation shall be deemed to have become absolute for the purpose of rule 382, on the date on which the Medical Authority signed the medical certificate."

524

[No. FD 53 SRS 64].

By Order and in the name of the Governor of Mysore,

42

C. BRITTO, *Under Secy.*

NOTIFICATION.

Bangalore, dated 27th April 1965.

G. S. R. 508.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. Title.—These rules may be called the Mysore Civil Services (Fourteenth Amendment) Rules, 1965.

2. In sub-rule (1) of rule 487 of the Mysore Civil Services Rules, after Note 2, the following Note shall be inserted, namely,—

"Note 2-A : Government servants borne on the establishment of the Ministers, Speaker, Chairman and Deputy Ministers (other than the Attenders, Jamadars and those falling under the last class), may travel by air between Bangalore, Mangalore and Belgaum, whenever they accompany the Ministers, Speaker, Chairman or Deputy Ministers on duty to Mangalore and Belgaum and claim a single air fare *plus* incidental fare admissible to them under rule 471."

[No. FD 64 SRS 64.]

By Order and in the name of the Governor of Mysore,

C. BRITTO, *Under Secy.*

NOTIFICATION.

Bangalore, dated 28th April 1965.

G. S. R. 509.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 389 (P-245),

A *colon* shall be substituted for full stop after the words "to be recovered" in line 8 on page 245 and the following words shall be inserted :—

"provided that such recovery is restricted to the amount of pension which has already become payable on the date of such agreement or consent".

511

[No. FD 13 RFC 65].

By Order and in the name of the Governor of Mysore,

48

N. S. BHARATH, *Dy. Secy.*

NOTIFICATION.

Bangalore, dated the 28th April 1965.

G. S. R. 510.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 214 (b) (3), as substituted by Government Notification No. FD 20 RFC 62, dated 26th October 1962 (C.S. No. 345),

Insert the words "or Life Insurance Corporation of India, Bangalore", between the words "Indian Insurance Companies' Association Pool, Bombay" and "or in other recognised Insurance Company".

[No. FD 20 RFC 65.]

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

510

49

HOME SECRETARIAT.

CORRIGENDUM.

Bangalore, dated 4th May 1965.

G. S. R. 511.—In Government Notification No. HD 206 TMA 64, dated 3rd March 1965 for the words and figures, "rule 118 of the Mysore Motor Vehicles Rules, 1963" appearing in condition (ii) of the said Notification, the words and figures, "rule 188 of the Mysore Motor Vehicles Rules 1963" shall be substituted.

2. For the words, "Fargo-fully closed type all steel body" appearing in the schedule of the said Notification, the words "Fargo-fully closed type all metal bodies" shall be substituted.

[No. HD 91 TMA 65.]

By Order and in the name of the Governor of Mysore,

47

V. RAMANATHAN, *Under Secy.*

Revenue Secretariat

NOTIFICATION.

Bangalore, dated 22nd April 1965.

G.S.R. 512.—The following draft of further amendments to the Rules made under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation 1 of 1899) which the Government of Mysore propose to make in exercise of the powers conferred by Section 197 read with Section 202 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), is hereby published as required by sub-section (1) of Section 197 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after thirty days from the date of publication in the *Mysore Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore-1.

Draft Amendments.

In the Rules made under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation 1 of 1899), in Rule 90, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) Trees shall be valued at the rates prescribed in Schedule".

Note.—For the purpose of these rules, the valuation of timber shall include the valuation of standing trees with a view to the ascertainment of their value as timber.

SCHEDULE.

Following will be the seigniorage rates for timber if removed from State Forests, District Forests, unreserved and paisari (Coorg lands):

Sl. No.	Kind of Timber	Seigniorage rate sanctioned per C. Ft.
		Rs.
1	Teak (Saguvani) Tactons grandis	9.80
2	Rose wood (Beete) other than export quality (Dalbergia latifolia) ...	18.75
3	Honne (Pterocarpus marsupium) ...	4.45
4	Mathi (Kirimathi)—Terminalia tomentosa ...	2.45
5	Nandi (Lagerstroemia lanceolata) ...	2.90
6	Hunsal (Terminalia Paniculata ...	1.70
7	Yettiga (Haladu)—(Adina Cardifolia) ...	2.38
8	Massi (Litsea Zeylanica) ...	1.95
9	Tadasal (Grewia tiliaefolia) ...	1.75
10	Neeralu (Eugenia Jan bolana) ...	1.95
11	Surhonne (Poon Spar)—Callophyllum tomentosum ...	1.95
12	Jambe—Jamba (Xylia xylocarpa) ...	2.00
13	Gandagarige (Red Cedar)—Cedrela toona ...	2.30
14	Hebbalasu (Artocarpus hirsuta) ...	2.75
15	Halasu (Artocarpus integrifolia) ...	1.60
16	Bilwara (Albizzia odoratissima) ...	2.10
17	Hadaga (Cordia macleodit) ...	3.70
18	Kadavala (Stephegyne Parviflora) ...	2 10
19	Jalari (Shorea talura) ...	2.65
20	Kalgarige (Chikrassia tabularis) ...	1.75
21	Kondala (Schleichera trifuga) ...	1.30
22	Basavanapada (Bauhinia purpurea) ...	0.87
23	Shivane (Gemelina arborea) ...	1.55
24	White cedar (Devagarige)—Dysoxylum malabaricum	Excluded as it is required for Defence purposes.
25	Bellatte (Albizzia procera) ...	1.30
26	Kiralbhogi (Hopea parviflora) ...	5.00
27	Nagasampige (Messua ferrea) ...	4.00
28	Nanja—Ranje (Minusop ellengli) ...	2.50
29	Dry bagani trees per cart load Head load	
30	Halewood per cart load (Wrightia tomentosa ... Wrightia tinctoria) ...	... 15.00
31	Other jungle woods ...	1.00

[No. RD 69 LCD 63.]

By Order and in the name of the Governor of Mysore,

N. H. SIDDIQUI, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore, dated 5th May 1965.

G. S. R. 513.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following Rules further to amend the Mysore Government Industrial Concerns Employees Retiring Gratuity Rules, 1962, namely :

1. **Title.**—These rules may be called the Mysore Government Industrial Concerns Employees Retiring Gratuity (Amendment) Rules, 1965.

2. **Amendment of Rule III.**—In sub-rule (5) of Rule III of the Mysore Government Industrial Concerns Employees Retiring Gratuity Rules, 1962, for the words "resignation from service with the consent and approval of the Board of Management or High Power Committee, as the case may be", the following words shall be and shall always be deemed to have been substituted, namely :—

> "resignation from service with the approval of the authority competent to appoint the employee".

[No. CI 38 IPF 64.]

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI, *Under Secy.*

LAW SECRETARIAT.

NOTIFICATION.

Bangalore, dated 1st May 1965.

G.S.R. 514.—In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India, the Governor of Mysore, after consultation with the Chairman, Legislative Council, and the Speaker, Legislative Assembly, is pleased to make the following further amendment to the rule published in Notification No. LAW 104 LGR 62, dated the 11th December 1962, namely :—

In the said Rule,

For the words "for a period of two years or until further orders of the State Government, whichever is earlier", the words "till the end of 10th April 1965" shall be and shall be deemed to have always been substituted.

V. V. GIRI,
Governor of Mysore.

[No. LAW 38 LGR 64].

By Order and in the name of the Governor of Mysore,

43 R. SANJEEVALU *Secy. to Govt., L. D.*

NOTIFICATION.

Bangalore, dated the 3rd May 1965.

G.S.R.515.—In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India, the Governor of Mysore, after consultation with the Speaker, Legislative Assembly, and the Chairman, Legislative Council, is pleased to make the following amendment to the rule published in Notification No. LAW 28 LGR 63, dated the 13th September 1963, namely:—

In the said rule,

For the words "one year", the words "two years" shall be substituted.

S. M. SRINAGESH.

Governor of Mysore,

[No. LAW 80 LGR 64.]

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

45 *Secy. to Govt., Law Department.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated 10th May 1965.

G. S. R. 516.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) read with rule 88 of the Mysore Motor Vehicles Rules, 1963, and in modification of previous notifications on the subject, the Government of Mysore hereby reconstitutes the Regional Transport Authority specified in column 1 of the schedule to this Notification consisting of the official and non-official members specified in column 2 thereof to exercise and discharge throughout the said area the powers and functions conferred by or under Chapter IV of the said Act.

1	2
	Official Members
Belgaum District	1. Sri R. Anandkrishna, Deputy Commissioner.
	2. Sri S. M. Patil, Executive Engineer (P.W.D.)
	3. Sri M L. Chandrasekhar, Superintendent of Police.
	Non-Official Member
	4. Sri Shivajirao Kakatkar, Anantsbayan Galli, Belgaum.
	5. Sri R. Anand krishna shall be the Chairman.

The Senior Regional Transport Officer, Belgaum shall be the Ex-Officio Secretary to the Regional Transport Authority of that area.

[No. HD 410 TMA 64.]

By Order and in the name of the Governor of Mysore,

65 V. Ramanathan, *Under Secy.*

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore dated 20th May 1965.

G.S.R. 517.—The following draft of the Mysore Municipalities (claims to property) (procedure) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by section 323 read with section 82 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964) is hereby published as required by sub-section (1) of section 323 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 21st June 1965.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Public Health, Labour and Municipal Administration Deprtment, Vidhana Soudha, Bangalore-1.

THE MYSORE MUNICIPALITIES (CLAIMS TO PROPERTY) (PROCEDURE) RULES, 1965.

1 Title.—These rules may be called the Mysore Municipalties (claims to property) (procedure) Rules, 1965.

2 Definitions.— In these rules unless the context otherwise requires—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'Form' means a from appended to these Rules ;

(*c*) 'section' means a section of the Act.

3 Application to be made regarding claim to property—Where any property or any right in or over any properity in a municipality is claimed by or on behalf of the municipal council or by any person as against the municipal council, the Municipal Commissioner or Chief Officer as the case may be, on behalf of the muuicipal counicil or the person concerned shall make an application in writing to the Deputy Commissioner of the District or in the case of a town municipal council to the Assistant Commissioner having jurisdiction over the place as the case may be, in which the property is situate, furnishing full particulars of the property or any right in or over any such property and the grounds on which the claim is made, accompanied by documents, with a list of such documents on the basis of which the property or the right is claimed. The application shall also furnish the names and address of all parties who to the best of the applicant's knowledge have or claim an interest in the property or right in or over the property in question.

4. Fixing the date of enquiry.—On receipt of an application, the Deputy Commissioner, or Assistant Commissioner, as the case may be, shall fix a date for enquiry and not earlier than ten days before such date a written notice in Form 'A' of the proposed enquiry and of the time and place and subject matter thereof shall be affixed at the Municipal office and in some conspicuous part of the property. It may also be published at the discretion of the Deputy Commissioner or Assistant Commissioner, at some other public place in the Municipality in which the property is situate.

5. Service of notice of enquiry on persons.—A copy of the notice issued under Rule 4 shall also be served not less than ten days before the date of enquiry on all persons named in the application and also those who are known or believed to have made any claim to the subject matter of the enquiry and every such notice shall be served in the manner laid down in section 262 for service of notices.

6. Manner of service of Notice of order.—A written notice in Form 'B' of any order passed under section 82, specifying briefly the subject matter, contents and date, of the order passed and shall be served in the manner specified in rule 5 upon the persons refered to therein. Such written notice shall also be affixed in the places specified in rule 4.

FORM 'A'

(Rule 4)

To

A.B.

Whereas (here describe the property or right in or over any property) is claimed by the.....municipal council (or by C. D. against the municipal council) notice is hereby given that an enquiry will be held by me in order to decide the said claim.

You are hereby required to appear before me either in person or through a duly authorised agent at.....O'clock of the.....noon (at the site in dispute or) at my office (Camp at.....in the..... Taluk) on the day of..... ..19.....at which time and place an enquiry into the claim will be made.

And you are hereby required to produce before me at the above-named place and time, any documents or evidence which you may wish to produce or adduce.

If you fail to appear in person or through a duly authorised agent in pursuance of this notice the above-mentioned claim will be decided in your absence.

Dated this..... ..... day of .... 19...

(Signed)
Designation of Officer)

Place

FORM 'B'

(Rule 6)

...../.....

Whereas in accordance with a notice duly issued and served under rules 4 and 5 of the Mysore Municipalities (claims to property) (procedure) rules 1965, an enquiry was held by me on.....and an order was passed on.....

Notice is hereby given to all persons concerned and to (here specify the person to whom the notice is dirdcted) that my decision and order is that; (here summarise the order and define the property or right to which it relates).

Dated this..... day of ..... 19...

(Signed)

Deputy Commissioner.

Assistant Commissioner.

[No. PLM 8 MLR 65]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

FINANCE SECRETARIAT.

NOTIFICATION

Bangalore, dated 18th May 1965

G. S. R. 518.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution, the Governor of Mysore hereby makes the following rules further to amend the Mysore Government Insurance (Motor Branch) Rules, 1958, namely :—

1. Title.—These rules may be called the Mysore Government Insurance (Motor Branch) (Amendment) Rules, 1965.

2. Substitution of a new rule for Rule 6.—For Rule 6 of the Mysore Government Insurance (Motor Branch) Rules, 1958, the following rule shall be substituted, namely :—

"6. **Eligibility for Insurance.**—(1) Any motor vehicle as defined in the Act which,—

(i) is registered in the State of Mysore, or

(ii) is owned by any person resident in the State of Mysore ;

at the time of effecting the insurance, may be insured under these rules.

(2) Notwithstanding anything contained in sub-rule (1), where a Government Servant purchases a motor vehicle out of an advance granted by the State Government, and such Government Servant is transferred or deputed for service outside the State of Mysore, such motor vehicle may, until the advance is repaid in full, be insured under these rules".

[No. FD 12 PID 65.]

By Order and in the name of the Governor of Mysore,

56 R. A. RAMASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 15th May 1965.

G. S. R. 519.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Government of Mysore hereby makes the following rules to amend the Mysore Commercial Tax Service (Recruitment) Rules, 1964, namely :—

1. **Title.**—These rules may be called the Mysore Commercial Tax Service (Recruitment) (Amendment) Rules, 1965.

2. **Amendment to the Schedule.**—In the Schedule to the Mysore Commercial Tax Service (Recruitment) Rules, 1965,—

(1) in the entries relating to the category of posts of Deputy Commissioners of Commercial Taxes,-for the entries in column 2, the following entries shall be substituted, namely :—

"By promotion from the cadre of Assistant Commissioners of Commercial Taxes".

(2) in the entries relating to the category of posts of Assistant Commissioners of Commercial Taxes, in item (i) of column 2, the words, letters, figures and brackets "or by selection on deputation of M. A. S. Officers (Class I Junior Scale)" shall be omitted.

(3) in the entries relating to the category of posts of Commercial Tax Officers, for the entries in column 2, the following entries shall be substituted, namely :—

(i) $33\frac{1}{3}$ per cent by direct recruitment ; and

(ii) $66\frac{2}{3}$ per cent by promotion from the cadre of Assistant Commercial Tax Officers.

[No. FD 503 CSE 64.]

By Order and in the name of the Governor of Mysore,

N. J. GOREPEERZADE, *Under Secretary.*

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st May 1965.

G. S. R. 520.—In exercise of the powers conferred by section 323 read with section 290 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby makes the following Rules, the draft of the same having been published as required by sub-section(1) of section 323 of the said Act in notification No. PLM 103 GGL 64, dated 15th February 1965, published as G.S.R 407 in part IV-2-C (1) of the *Mysore Gazette* Extraordinary dated 15th February 1965, namely :

THE MYSORE MUNICIPALITIES (PAYMENT OF AUDIT CHARGES) RULES, 1965.

1. Title.—These rules may be called the Mysore Municipalities Payment of Audit Charges Rules, 1965.

2. Definitions.—In these rules unless the context otherwise requires—

(*a*) "Act" means the Mysore Municipalities Act, 1964.

(*b*) "Audit" means an audit of accounts for the whole year or for any shorter period.

(*c*) "Auditor" means the Controller, State Accounts Department and includes Deputy Controller, Assistant Controller in charge of a Local Audit Circle and any other officer deputed by the Controller to perform the functions of an Auditor.

(*d*) "Audit Charges" means the sums or sum payble by the Municipal Council in consideration of the audit or special audit or detailed audit conducted by the Auditor.

(*e*) "Special Audit" means an audit of the accounts pertaining to a specified item or series of items requiring a detailed examination.

shall have the meaning respectively assigned to them in the Act.

3. **Provision of audit charges in the Budget Estimates o Municipal Council.**—The Municipal Council shall provide every year in its budget estimates a sum considered sufficient to meet the audit charges that might become payable during the year.

4. **Rate of audit Charges.**—(1) The Municipal Council shall pay audit charges at the rate of Twenty Paise for every one hundred rupees on the sum total of receipts and expenditure of the Municipal Council under all heads of account for any year.

2) In arriving at the sum total of receipts and expenditure of the Municipal Council for a year the second and subsequent adjustment entries in respect of Government grants, loans and other items shall be excluded and that in respect of cesses and other amounts collected on behalf of Government only the Commission charges allowed to the Municipal Council as collection charges shall be taken into account.

5. **Demand of audit charges.**—As soon as the audit of the accounts of the Municipal Council for any period is completed, the auditor shall record in the audit report the amount of total transactions under receipts and expenditure on which audit charges are leviable and the amount of audit charges payable by the Municipal Council. When the audit report is issued, the Auditor shall present a bill for payment of the audit charges in the form appended to these rules.

6. **Powers of the Commissioner to direct the payment of audit charges.**—If a Municipal Council fails to pay the audit charges within a period of one month from the date of the receipt of the bill therefor, the Commissioner shall on a report from the Auditor, issue a notice to the

Municipal Council requiring it to pay the audit charges within a period of fifteen days from the date of receipt of the notice. If at the end of the period of fifteen days, the Municipal Council fails to pay the audit charges, the Commissioner shall send a report to the Government and the Government may direct the Treasury officer of the treasury in which the funds of the Municipal Council are lodged to make payment of the audit charges by adjustment debiting the charges to the funds of the Municipal Council and crediting the amount to the head of account "L. II Miscellaneous d. fees for Government Audit."

[No. PLM 18 MLR 65].

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secy.*

APPENDIX.

Form of Bill for payment of audit charges.

(Rule 5)

The Municipal Commissioner,
The Chief Officer,

.....Municipality

Sir,

The accounts of the..... .....Municipal Council for the period from..... .....to have been audited and the audit report has been issued o..... .... you are requested to pay the audit charges of Rs.....by the issue of a crossed cheque in favour of the Treasury Officer.....Treasury, ...for credit to Government under the head of account "L. II Miscellaneous, d. Fees for Government audit." The payment of the audit charges may be intimated to this office giving reference to the number and date of the credit in Treasury accounts within one month from the date of receipt of this bill in your office.

Yours faithfully,

Assistant Controller,
Local Audit Circle.....

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 28th April 1965.

G. S. R. 521.—In exercise of the powers conferred by section 210 read with sub-clause (vii) of clause (A) of section 131 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) and all other powers enabling it in this behalf, the Government of Mysore hereby makes the following rules to amend the Mysore Taluk Boards Employees House Building or House Purchase Advance Rules, 1961, the draft of the same having been previously published in Notification No. GSR 406, dated 30th December 1964 in the *Mysore Gazette* dated 18th February 1965, as required by sub-section (1) of section 210 of the said Act, namely :—

1. Title.—These rules may be called the Mysore Taluk Boards Employees House Building or House Purchase Advance (Amendment) Rules, 1965.

2. Amendment of the preamble.—In the preamble to the Mysore Taluk Boards Employees House Building or House Purchase Advance Rules, 1961 (hereinafter referred to as the said rule), for the brackets and figures "(VIII)", the brackets and figures "(vii)" shall be substituted.

3. Substitution of new rules for rules 4, 5, 6 and 7.—For rules 4, 5, 6 and 7 of the said rules, the following rules shall be substituted, namely :—

"**4. Power of Board to grant advances.**—The Board may subject to the provisions hereinafter appearing, grant an advance to an employee to enable him,—

(*a*) to construct a house for his own use either at the place of duty or at the place at which he proposes to settle after retirement ; or

(*b*) to purchase a building site for constructing a house for his own use, either at the place of duty or at the place at which he proposes to settle after retirement; or

(*c*) to purchase a built house in a village or town, which is the headquarter station of the employee or at the place at which he proposes to settle after retirement ; or

(*d*) to make additions or alterations or repairs to his house so as to make it better habitable provided that such additions or alterations are not in the nature of ordinary repairs.

5. Eligibility.—(1) Advance under these rules may be granted to —

(*a*) a permanent employee ; and

(*b*) a temporary employee on the guarantee of a permanent employee, if the temporary employee has rendered continuous service for a period of not less than five years and the Board is satisfied that he is likely to continue in service till the advance is fully repaid.

(2) Advance shall be granted to only one employee if both the husband and wife are in service and are eligible for the advance.

(3) No advance shall be granted to an employee who is likely to retire before complete recovery of the advance can be effected, and to those employees who have drawn loans under the Low Income Group Housing Scheme.

(4) A second advance shall not be granted in any case for any purpose referred to in clauses (a), (b) and (c) of rule 4.

(5) A second advance for the purpose referred to in clause (d) of rule 4 shall not be granted to an employee while any portion of the previous advance is outstanding against him, or within three years from the date of drawing such advance.

6. Amount of Advance.—(1) The amount of advance for construction of a house shall, in no case, exceed 'forty-two months' pay of the employee or six thousand rupees, whichever is less.

(2) The amount of advance for the purchase of a building site for constructing a house for his own use shall, in no case exceed nine months' pay of the employee or one thousand and two hundred rupees, whichever is less.

(3) An advance for the purchase of a house shall, in no case, exceed forty-two months' pay of the employee or five thousand rupees, whichever is less.

(4) An advance for additions or alterations or repairing a house shall, in no case, exceed six months' pay of the employer or one thousand rupees, whichever is less.

Explanation.—Special pay or duty allowance may also be taken into account as "PAY" for the purpose of fixing the amount of advance.

7. Conditions upon which Advances shall be granted.—(1) An advance under rule 4 shall be granted subject to the following conditions, namely :—

(*a*) the house or the building site in respect of which the advance is required shall be mortgaged to the Board by the employee. The mortgage deed shall be in Form No. 1;

(*b*) the amount of the advance shall not be spent for any purpose other than that for which it is granted;

(*c*) where the advance is granted for the construction of a new house or for the purchase of a built house it shall be repaid in full together with interest in monthly instalments within a period not exceeding twelve years. The principal is recoverable in not more than one hundred and sixteen instalments and the interest in not more than twenty-eight instalments thereafter;

(*d*) where the advance is granted under clause (d) of rule 4, it shall be repaid in monthly instalments within a period of two years ;

(*e*) the advance shall be repaid with simple interest at five per cent per annum or at such rate as may be prescribed from time to time by the State Government in respect of house building advances made by the State Government to State Government servants. Penal interest at nine per cent shall be recoverable on overdue instalments. An instalment not paid on the due date owing to the pay of the employee from which it was recoverable being withheld for want of sanction of leave or other cirmcumstances shall not be considered as an overdue instalment provided the amount so withheld is adequate to repay the overdue instalment or instalments ;

(*f*) the amount of monthly instalment shall be deducted monthly from the pay of the employee and credited towards repayment of the advance. The recovery of interest will commence from the month following that in which the repayment of the principal would be completed ;

(*g*) the amount to be recovered monthly shall be fixed in whole rupees, except the last instalment which may include fraction of a rupee ;

(*h*) recovery of advance granted for constructing a new house or for repairing, improving or enlarging an existing house shall commence from the sixth month following the month of drawal of the first instalment. In the case of advances taken for purchasing a built house, recovery shall commence with the first issue of pay following the month in which the advance is drawn ;

(*i*) the employee may repay the amounts in a shorter period if he so desires, but the entire advance shall in any case be repaid in full with interest thereon before the date on which he is due to retire from service ;

(*j*) in order to avoid undue hardship to an employee who is due to retire within twelve years of the date of application for the grant of an advance, the Board may permit him to repay the advance with interest in convenient monthly instalments (the amount of which shall not be less than the amount of monthly instalments on the basis of repayment within a period of twelve years, during the remaining period of his service, provided he agrees to the modification of the prescribed agreement (in Form No. 4) and mortgage deed, to the effect that the Board shall be entitled to recover the balance of the said advance with interest remaining unpaid at the time of retirement, or death, if he dies while in service ;

(*i*) from the Insurance amount due on the Policy or Policies assigned in favour of Board at the time of grant of advance ; or

(*ii*) from the whole or any specified part of the Death-*cum*-Retirement Gratuity that may become payable to him or to his heirs ;

(*k*) in case the employee fails to repay the balance of the advance due to the Board fully on or before the date of his retirement, the Board may enforce the security of the mortgage at any time thereafter and recover the balance of the advance due together with interest and cost of recovery, by sale of the house or in such other manner permissible under the law".

4. Amendment of rule 9.—In clause (a) of sub-rule (9) of rule 9 of the said rules, for the word "from", the word "Form" shall be substituted.

[No. DPC 16 RPA 62.]

By Order and in the name of the Governor of Mysore,

SYED GULAM KHAJA, *Under Secy.*

CHIEF SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 4th May 1965.

G.S.R. 522.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following further amendment to the Mysore Government Servants' (Probation) Rules, 1957, namely :—

In the said Rules, after rule 11, the following rule shall be added, namely :—

"12. Notwithstanding anything contained in the preceding rules, where the validity of the appointment of any person as probationer is questioned in any legal proceeding before a Court of law, the period of probation of such person shall continue until the final disposal of such proceeding, and pending such disposal the appointing authority may, if it is satisfied that the Probationer has satisfactorily completed the prescribed or extended period of probation, direct that the Probationer shall be entitled to draw increments in the scale of pay of the post held by such Probationer from such date as may be specified in such direction, and increments shall, subject to other provisions governing the drawal of increments applicable to Government servants generally, be drawn by such Probationer accordingly".

[No. GAD 50 SRR 64]

By Order and in the name of the Governor of Mysore,

50 C. R. SESHADRI, *Dy. Secy.*

NOTIFICATION.

Bangalore, dated 4th May 1965.

G.S.R. 523.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following Rules, namely :—

1. These Rules may be called the Mysore Ministerial Services (Junior Stenographers) Recruitment Rules, 1965.

2. In these Rules,—

(i) "appropriate authority" means the Mysore Public Service Commission, the State Level (Ministerial Posts) Recruitment Committee or the Divisional Level Recruitment Committee, as the case may be ;

(ii) the expressions "State Level (Ministerial Posts) Recruitment Committee" and "The Divisional Level Recruitment Committee" shall have the same meanings as in the Mysore State Civil Services (Class III Posts) Recruitment Committees (Constitution and Functions) Rules, 1962.

3. Appointments to the cadre of Junior Stenographers in the State Civil Services shall be made from the list of candidates prepared by the appropriate authority in accordance with these rules.

4. Candidates intending to apply for selection shall submit their applications in the form prescribed by the appropriate authority within the date specified by such authority. The applicant shall indicate in his application whether he desires to apply for appointment.—

(i) in the Secretariat or in the Office of the Heads of Departments ;

OR

(i) in the offices .....*

---

*Here the names of Division should be specified.

5. A candidate for appointment as Junior Stenographer shall—

(i) be a Matriculate or possess equivalent qualification recognieed by Government;

(ii) have passed Senior Typewriting and Junior Short-hand Examinations conducted by Government or any other examination recognised by Government as equivalent thereto;

(iii) not be, on the last date fixed for receipt of applications, more than 33 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and 28 years in the case of others;

Provided that in the case of candidate who is holding an appointment subtantively or has been in continuous Government service for a period of not less than one year after appointment other than as a local candidate, the age limit shall be 40 years for persons belonging to Scheduled Castes and Scheduled Tribes and 35 years for others.

6. A candidate shall produce certificates of good character from the Principal of the College or the Institution in which he last studied and also from a Gazetted Officer or other responsible person, who, not being a relation, is well acquainted with him.

7. (1) In the case of candidate who is already a Government servant, the application shall be forwarded through the Head of the Office in which he is working and shall be accompanied by a Certificate that he is permitted to apply for the post.

(2) The Head of the Office shall normally grant the permission referred to in sub-rule (1) but if for any particular reason the Head of the office finds that it is impossible to relieve the candidate in case he is selected for the post, the Head of the office shall withhold the application of the candidate, provided that before doing so, he shall obtain orders of the Government in this behalf.

8. *A viva voce* examination shall be held to test the mental alertness of the candidates. The test shall carry one hundred marks.

9. The minimum marks to be obtained by a candidate for a pass in the *viva voce* examination shall be forty.

10. (1) The list of candidates selected on the basis of the marks obtained at the Senior Typewriting and Junior Shorthand examination or any higher examination or at the recognised equivalent examination passed by the candidate and the marks obtained at the *viva voce* examination shall be prepared in the order of merit by the appropriate authority.

(2) The appropriate authority shall, notwithstanding the preference indicated in the application, have the power to assign any candidate to any unit:

Provided that in the case of candidates for post in any particular Division, the allotment shall not be a Unit outside that Division:

Provided further that the Government shall, either *suo motu* or on application by the aggrived person have power to revise any order of allotment made by the appropriate authority.

11. The list shall be in operation till a fresh list is prepared in accordance with these rules.

12. The appointment shall be made of candidates mentioned in the list in the order in which their names appear therein, subject to any rule or order relating to reservation of posts for persons belonging to the Scheduled Castes and Scheduled Tribes and Backward Classes.

13. All vacancies of Junior Stenographers shall be filled by appointing persons specified in the appropriate list.

14. In respect of matters for which provision is not made in these rules, the provisions of the Mysore State Civil Services General Recruitment Rules, 1957, and the Mysore State Civil Services (Class III posts) Recruitment Committees (Constitution and Functions) Rules, 1962, shall apply.

[No. GAD 58 ORR 64.]

By Order and in the name of the Governor of Mysore,

S. ZAHIRUDDIN HASSAN, *Under Secy.*,

HOME SECRETARIAT.

NOTIFICATION

Dated Bangalore 20th April 1965.

G. S. R. 524.—The following draft of further amendments to the Mysore Motor Vehicles Rules, 1963 which the Government of Mysore proposes to make in exercise of the powers conferred by Sections 21, 21-J, 41, 65, 67, 68, 70, 91, 105, 107, 111-A and 133-A of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and all other powers enabling it in this behalf, is hereby published as required by sub-section (1) of Section 133 of the said Act for information of all persons likely to be affected thereby, and notice is hereby given that the draft amendments will be taken up for consideration after one month from the date of publication of the draft in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the draft amendments before the date specified above will also be considered by the State Government. Objections and suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

Draft Amendments.

1. Title.—These rules may be called the Mysore Motor Vehicles (Fourth Amendment) Rules, 1965.

2. Amendment of rule 3:—In the Mysore Motor Vehicles Rules, 1963 (hereinafter referred to as the said rules), in rule 3, after clause (r) the following clause shall be inserted, namely:—

"(rr) 'Government Treasury' means the treasury or the sub-treasury of the district or sub-division or the office of Regional Transport Officer where a treasury is opened for the purpose of collection of taxes, and other amounts under the Mysore Motor Vehicles Taxation Act, 1957, the Mysore

Motor Vehicles (Taxation on Passengers and Goods Act, 1961) and the Motor Vehicles Act, 1939, and the rules made thereunder.".

3. **Amendment of rule 5.** —In rule 5 of the said rules,—

(i) in sub-rule (3) after the words "Contract Carriage" the words "other than motor cab and Auto-rickshaw" shall be inserted;

(ii) at the end of sub-rule (3), the following shall be added, namely:—

"Provided that for grant of authorisation to drive a Motor cab, it shall be sufficient if the applicant has had two years' experience in driving any motor vehicle other than a motor cycle, and provided further that for grant of authorisation to drive an Auto-rickshaw, no previous experience in driving shall be necessary.".

4. **Amendment of rule 12.**—In rule 12 of the said rules, in clause (*c*) of proviso to sub-rule (3), for the words "to leaving the army" the words "prior to leaving the said Army" shall be substituted.

5. **Amendment of rule 23.**—In rule 23 of the said rules in clause (*ix*), for the figures "221" the figures "220" shall be substituted.

6. **Amendment of rule 25.**—In rule 25 of the said rules, in clause (4),—

(i) after the words "in Kannada" the words "or in Hindi" shall be inserted; and

(ii) for the words "by any Officer of the Motor Vehicles or Police Department" the words, "any Officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or any officer of the Police Department not below the rank of a Sub-Inspector of Police" shall be substituted.

7. Amendment of rule 26.—In rule 26 of the said rules, in clause (17),—

(i) after the words "in Kannada", the words, "or in Hindi" shall be inserted ; and

(ii) for the words "any officer of the Motor Vehicles or Police Department", the words, "any officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or any officer of the Police Department not below the rank of a Sub-Inspector of Police" shall be substituted.

8. Amendment of rule 51.—In Rule 51 of the said rules,—

(i) in clause (1) for the words "Bush Coat" the words "Khaki Bush Coat" shall be substituted ; and

(ii) after clause (2) the following shall be inserted as clause (3) *viz* :—

"(3) Khaki Cap".

9. Amendment of rule 56.—In rule 56 of the said rules.—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely :—

"(2) (*a*) The fee for a duplicate registration certificate issued under sub-rule (1) of rule 64 shall be rupees five.

(*b*) The fee for a duplicate registration certificate issued under sub-rule (2) of rule 64 shall be rupee one".

(ii) after sub-rule (5) the following sub-rule shall be inserted, namely :—

"(5A). The communication of the altered address to the original registering authority under sub-section (2) of section 30 of the Act shall be in Form 28 (A) AAD".

10. Amendment of rule 60.— In rule 60 of the said rules, in the proviso, for the figures "68", the figures '69" shall be substituted.

11. amendment of rule 61.—In rule 61 of the said rules,–

(i) in sub-rule (3) for the words and figures "Form 35" the word, figures and letters "Form **35** R. M. I" shall be substituted;

(ii) in sub-rule (5) for the figures "55", the figures "56" shall be substituted.

12. Amendment of rule 64.— In rule 64 of the said rules, in sub-rule (1) for the word, figures and letters "Form No. 35 R. M. I" the word, figures and letters "Form 36 C. R. L. D." shall be substituted.

13. Amendment of rule 67.— In rule 67 of the said rules, for the figures "33", the figures, brackets and letter "33 (b)" shall be substituted.

14. Amendment of rule 69.—In rule 69 of the said rules, in sub-rule 5,—

(i) after the words and figure "not more than 3 figures", the words "and followed by one letter of the alphabet in respect of each certificate" shall be inserted;

(ii) for the word, figures and letters "Form 40 T. C. A.", the word, figures and letters "Form 41 T. C." shall be substituted.

15. Amendment of rule 70.— In rule 70 of the said rules, in sub-rule (3), for the figures "53" the figures "54" shall be substituted.

16. Amendment of rule 79.— In rule 79 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely.—

"(1) All transport vehicles shall at all reasonable times be open to inspection by any officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles".

17. Amendment of rule 84.— In rule 84 of the said rules, for the number and the heading, the number and heading "84. *Certificate of Fitness,-Lost, destroyed or defaced*" shall be substituted.

18. Amendment of rule 88.—In rule 88 of the said rules, after sub-rule (1), the following proviso shall be inserted, namely :—

"Provided that in the case of every official member of the State Transport Authority or a Regional Transport Authority, his appointment as a member shall be made and notified by virtue of offiice".

19. Amendment of rule 91.—In rule 91 of the said rules, in sub-rule (1) at the end of the proviso, the words "and a copy of the agenda of the subjects to be considered at a public hearing shall also be caused to be published on the notice board of the office of the Secretary of the Regional Transport Authority at least seven days before the date fixed for the public hearing" shall be added.

20. Insertion of new Rule 95-A.—After rule 95 of the said rules, the following rule shall be inserted, namely :—

"**95-A. Delegation of powers by Regional Transport Authorities to their Chairmen.**—The Regional Transport Authority, may for the convenient and prompt despatch of its business, by a general or special resolution and subject to such condition as may be specified therein, delegate to its Chairman the following powers, namely :—

(*a*) power under section 63 of the Act to grant countersignatures for permits in respect of public carriers and private carriers plying on inter-State routes ;

(*b*) power under inter-State agreements to make recommendations or nominations for grant of countersignatures in respect of public carriers and private carriers plying on inter-State routes.".

21. **Amendment of Rule 96.**—In rule 96 of the said rules, in clause (xiii), for the words, figures and brackets "Section 59 (1) and 60 (1)", the words, figures and brackets, "sections 59 (1) and 61" shall be substituted.

22. **Amendment of Rule 109.**—In rule 109 of the said rules, in the heading after the words "Additional Conditions", the words "for Stage Carriages" shall be inserted.

23. **Insertion of new rule 109-A.**—After rule 109 of the said rules, the following rule shall be inserted, namely :—

"**109-A. General conditions of permits for transport vehicles** :—It shall be a condition of the permit of every transport vehicle that the holder thereof,

(*i*) shall ensure that the vehicle is driven only by a driver duly authorised in this behalf under the provisions of the Act and the rules thereunder.

(*ii*) shall not use the vehicle or cause or allow it to be used in the commission of any offence punishable under the Indian Penal Code or any other law for the time being in force.".

24. **Amendment of Rule 112.**—In rule 112 of the said rules,—

(1) in sub-rule (2), for the words "at notified stations", the words "at such police stations as may be notified by the State Transport Authority from time to time" shall be substituted.

(2) after sub-rule (3), the following shall be inserted as sub-rule (4), *viz.*,—

"(4) The owner of a goods vehicle shall maintain a Way Bill Register in Form No. 15-A.WBR and shall furnish the extracts of the said register to the Secretary of the Regional Transport Authority at the end of each month.".

25. Amendment of Rule 115.—In rule 115 of the said rules, for sub-rule (13) the following sub-rule shall be substituted, namely :—

"(13) The agent shall when on duty, wear in a conspicuous place on his left breast a metal badge illustrated in Appendix VII to these rules issued by the Regional Transport Authority inscribed therein, the name of the authority by which the licence has been granted and the words "Ticket Booking Agent" together with an identification number. The licence so issued shall not be transferable and shall be surrendered by the Agent to the Regional Transport Authority in the event of his licence being suspended, cancelled or not renewed. The fee for issue of the Agent's badge shall be Rs. 2. If the badge is lost or destroyed a duplicate badge shall be issued on payment of a fee of Rs. 2 by the Regional Transpority which issued it.".

26. Amendment of Rule 117 .—In rule 117 of the said rules, in sub-rule (1), for the figures "112" the figures "116" shall be substituted, and for the word and figures "Rule 114" the words and figures "Rules 115 and 116" shall be substituted.

27. Amendment of Rule 120.—In rule 120 of the said rules, in sub-rule (iii), after the words "the Temporary permit" the words "or the Special permit" shall be inserted.

28. Amendment of Rule 142 .—In rule 142 of the said rules, in sub-rule (2) for the words "and convenient parking places", the words " convenient parking places and a notice board exhibited at a prominent place showing the timings of departure of Stage Carriages starting from that particular place and also arrival timings for the information of the public" shall be substituted.

29. Amendment of Rule 154.—In rule 154 of the said rules, in sub-rule (7), for the word, figures and letters "Form No. 78 LLA", the word, figures and letters "Form 80 L.Ad.A" shall be substituted.

30. Amendment of Rule 164.—In rule 164 of the said rules, after clause (e), the following clause shall be inserted, namely :—

"(f) An officer of the State Excise Department not below the rank of an Assistant Inspector of Excise".

31. Insertion of new rule 197-A.—After rule 197 of the said rules the following rule shall be inserted, namely :—

"**197-A. Fitment of Tacograph for Transport Vehicles.**–

(1) Every transport vehicle other than a motor cab, tractor and trailer shall be fitted with an instrument (hereinafter referred to as Tacograph) at all times to indicate and record on the graph fitted to it (hereinafter referred to as the chart), the speed at which the vehicle is travelling or has travelled.

(2) A Tacograph shall be deemed to satisfy the requirements of this rule if upon test it is found to be accurate within ten per cent above or below the speed specified for the vehicle in the Eighth Schedule to the Act.

(3) The owner or driver of the vehicle shall before the commencement of the trip, fill up the particulars in the centre field of the chart.

(4) The chart shall be replaced by fresh chart once in every twenty four hours after adjusting the chart to the time of commencement or resumption of journey.

(5) The used charts shall be preserved by the owner of the vehicle for a period of one year and shall be made available for inspection to an officer of the Police Department not below the rank of a

Sub-Inspector or an officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles.

(6) A vehicle fitted with Tacograph shall not be required to be fitted with a speedometer under rule 197".

32. Amendment of Rule 200 .—In rule 200, of the said rules, in sub-rule (2), the figures and word "3 inches", shall be omitted.

33. Amendment of Rule 201 .—In rule 201 of the said rules, in the first proviso to sub-rule (1), for the words " thirty-four feet", the words "Thirty-six feet" shall be substituted.

34. Insertion of new rule 210-A.—After Rule 210 of the said rules, the following rule shall be inserted, namely :—

" **210-A. Annual inspection of certain motor vehicles.**— Every motor vehicle other than a transport vehicle, the age of which exceeds 25 years, shall be subject to an annual inspection and examination by the Inspector of Motor Vehicles. The test for such motor vehicles shall be mainly in respect of three items, namely, brakes, steering control and light. If the vehicle does not come up to the standard of requirements in respect of the said items, the Registering Authority shall, if it is the original registering authority in respect of that vehicle, cancel the certificate of registration, or if it is not the original registering authority, shall forward the report and the certificate of registration to the original registering authority which shall cancel the registration and the certificate of registration".

35. Amendment of Rule 217 .—In Rule 217 of the said rules, after the words "in Stage Carriages", the words "and also in contract carriages owned by the factories connected with defence and plied for the use of their employees" shall be inserted.

36. Omission of rule 318 .—Rule 318 of the said rules shall be omitted.

37. Amendment of rule 327 .—In rule 327 of the said rules, after sub-rule (3), the following sub-rule shall be added, namely :—

"(4) The driver of a transport vehicle other than a motor cab shall slow down the vehicle to a speed of not more than five miles when he is within a distance of 50 yards from a fast moving light motor vehicle coming from the rear and shall not exceed that speed till the other vehicle completely overtakes his vehicle.".

38. Amendment of Rule 331.—In rule 331 of the said rules, in clause (iii) (*a*) of sub-rule (3) for the words "after sunset", the words "before sunrise" shall be substituted, and for the words "before sunrise", the words "after sunset" shall be substituted.

39. Insertion of new Rule 367-A.—After rule 367 of the said rules, the following rule shall be inserted namely:—

"**367—A.—Powers of Officers of the Motor Vehicles Department.**—Any officer of the Motor Vehicles Department of and above the rank of an Inspector of Motor Vehicles shall exercise the powers under the provisions of sections 73, 86 (1), 88, 89 (*b*), 90, 106 (1) and (3), 128, 129 and 129A.".

40. Amendment of Rule 368.—In rule 368 of the said rules, the following sentence shall be added at the end of the second paragraph, *viz.*—

"The Stars and the shoulder badges shall be worn on green ribbon".

41. Amendment of Appendix I.—In Appendix I to the said rules,—

(1) in Form 1 LTVA, the words beginning with "I possess adult first aid certificate" and ending with words "and attach the same herewith" shallbe omitted;

(2) after Form No. 15 (G. V. R.), the following Form shall be inserted, namely.—

"FORM No. 15-A WBR

[Rule 112 (4)]

Strike where not applicable.

RECORD OF DAILY HAULAGE

Name and address of the permit holder.	Type of permit.	Registration No. of vehicle	Carrier.	Date
.....	Permanent / Temporary	.....	Public / Private	.....

Sl. No. of trip	Name and address of sender or Booking Agent(s)	Name and address of consignee(s)	Name of commodity carried	Weight (mds) Quintals.
1	2	3	4	5

*Origin	Designation	No. of miles/ kilometers (*i.e.*, distance between 6 & 7)	Md. Miles/ Quintal KMs. performed (Col. 5 & Col. 8)	Freight charged (In Rupees)	Remarks
6	7	8	9	10	11

Signature of
Permit holder.....

Licence No. of
Driver and Signature.....

N.B.-If more than one commodity is carried during the same trip or booked between places enroute, the debits of each commodity have to be shown separately in separate lines under all columns.

*Generally origin and destination of the vehicles will be origin and destination of cargo. In case they are different, origin and destination of cargo/es may be inserted under Col. (6) and (7) respectively with a note in the remarks column showing the origin and destination of the vehicle" ;

(3) After Form No. 28 C. R. Temp. A, the following form shall be inserted, namely :—

"FORM No. 28 (A)—AAD

(Rule 56-A)

Communication to the Original Registering Authority of alteration of address of the owner of a Motor Vehicle.

To

The Registering Authority,

.....Region.

The address of the registered owner of Motor Vehicle bearing registration No.....has been altered from (1).....(2).....

.....with effect from.....

Place..... Registering Authority,

Dated..... .....Region.

Note :—(1) Here enter the address of the owner as entered in the Registration certificate of the vehicle prior to the alteration.

(2) Here enter the new address of the owner;"

(4) In Form No. 64 P. Pr. C., for the word, figures and brackets, "Rule 104 (viii)", the word, figures and brackets "Rule 104 (vii)" shall be substituted;

(5) In Form 65 P. PU. C., for the word, figures and brackets "Rule 106 (vii)", the word, figures and brackets "Rule 104 (viii)" shall be substituted;

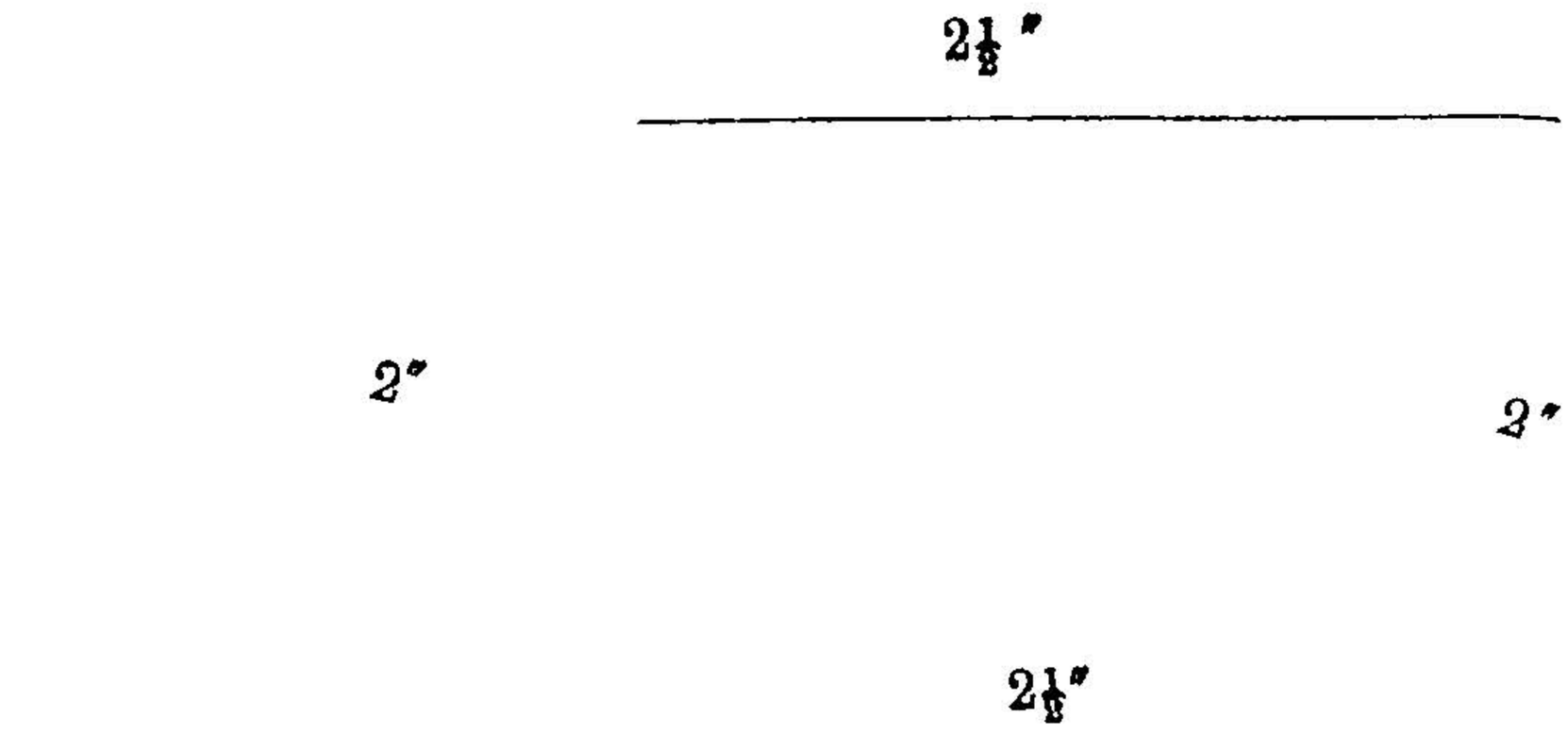
(6) In Form No. 68 T. G., for the figures and letters "68 T. G." the figures and letters "68 T. G. R" shall be substituted.

42. Insertion of new Appendix VII.—After Appendix VI to the said rules, the following shall be added as Appendix VII, namely,—

APPENDIX VII

[Rule 115 (13)]

Specimen of Agents' Badge issued under sub-rule (13) of Rule 115.



[No. HD 113 TMR 63.]

By Order and in the name of the Governor of Mysore,

32 V. RAMANATHAN, *Under Secy.*

LAW SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 5th May 1965.

G. S. R.525.—In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India and after consultation with the Speaker, Legislative Assembly, and the Chairman, Legislative Council, the Governor of Mysore, hereby makes the following further amendments to the Mysore Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1959, namely :—

In the said Rules,

(1) In Schedule I, for the entries relating to the "Assistants", the following entries shall be substituted, namely :—

"Senior Assistants	Four	Rs.	200-10-280-15-400
Assistants	Thirteen	Rs.	130-5-150-8-190-10-270."

(2) In Schedule II,

(*a*) In respect of the posts of Superintendent (Legislation), Superintendent (Committees), Superintendent (Administration and Accounts) and Superintendent (Questions), in item (*a*) of column 2 relating to Methods of Recruitment, for the word "Assistants", the words "Senior Assistants" shall be substituted.

(*b*) After the entries relating to "Reporters", the following entries shall be inserted, namely :—

'Senior Assistant (Legislation). Senior Assistant (Committees). Senior Assistant (Questions).	By promotion by selection of Assistants working in the Mysore Legislature Secretariat.	The candidate must be a person holding a degree of Bachelor of Laws of a recognised University and should have a sound knowledge of Legislature Office procedure and Conatitutional Law,
		OR
		must have served for not less than five years as Assistant in any Branch of the Legislature Secretariat.
Senior Assistant (Administration and Accounts).	By promotion by selection of Assisttants working in the Mysore Legislature Secretariat.	The candidate must have experience as Assistant of not less than five years of accounts work of the Mysore Legislature Secretariat, preference being given to a candidate who has passed the Mysore Subordinate Accounts Service Examination or any equivalent Examination specified by the Government."

(3) In Schedule III, in cloumn 2, for the word "Assistant", the words "Senior Assistant, Assistant" shall be substituted.

V. V. GIRI,

Governor of Mysore.

[No. LAW 59 LGR 63.]

By Order and in the name of the Governor of Mysore,

55

R. SANJEEVALU, *Secy.*

NOTIFICATION

Bangalore, dated the 18th May 1965.

G. S. R. 526.—In exercise of the powers conferred by sub-section (1) of Section 15 of the Mysore Legislature Salaries Act, 1956 (Mysore Act 2 of 1957), the Government of Mysore hereby makes the following rules further to amend the Mysore Legislature (Presiding Officers) Travelling Allowances Rules, 1957, namely :—

1. Title.—These rules may be called the Mysore Legislature (Presiding Officers) Travelling Allowances (Amendment) Rules, 1965.

2. Insertion of new rule 3 A:—After rule 3 of the Mysore Legislature (Presiding Officers) Travelling Allowances Rules, 1957, the following rule shall be and shall always be deemed to have been inserted, namely :—

"3A. When the Speaker or the Chairman, while touring on duty outside the State falls ill and receives urgent medical attendance at any place, he shall, in addition to the reimbursement of the expenses under rule 8A of the Mysore Legislature (Presiding Officers) Medical Attendance Rules, 1959, be entitled to daily allowance for the days of halt at the place at which he receives medical attendance and treatment".

[No. LAW 68 LGR 64].

By Order and in the name of the Governor of Mysore,

57 R. SANJEEVALU, *Secretary*

NOTIFICATION

Bangalore, dated the 1st May 1965.

G. S. R. 527.—In exercise of the powers conferred by section 15 of the Mysore Legislature Salaries Act, 1956 (Mysore Act 2 of 1957), the Government of Mysore hereby makes the following further amendment to the Mysore Residences of Chairman and Speaker (Furnishing) Rules, 1956, namely :—

In the said Rules, in rule 2, under "IV. Miscellaneous", after entry (viii), the following entry shall be added :

"(ix) Two electric stoves."

This rule shall be deemed to have come into force on the 10th December 1964.

[No. LAW 98 LGR 64.]

By Order and in the name of the Governor of Mysore,

54 H. K. ANANTHASUBBA RAO, *Under Secy.*

Finance Secretariat.

NOTIFICATION.

Bangalore, dated the 5th May 1965.

G.S.R. 528.—The following draft of further amendments to the Mysore Sales Tax Rules, 1957, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 38 of the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 7th June, 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Finance Department, Vidhana Soudha, Bangalore-1.

Amendments.

In sub-rule (2) of rule 8 of the Mysore Sales Tax Rules, 1957, for clauses (i) and (ii), the following clauses shall be substituted, namely :—

"(i) The application for grant or renewal of such permission shall be made in Form 8 during the year for which composition is applied for, within thirty days from the date of commencement of such year.

Provided that the Assistant Commercial Tax Officer having jurisdiction may, on sufficient cause being shown and for reasons to be recorded in writing, condone the delay in respect of applications made after the expiry of such period of thirty days but within a period of ninety days from the date of commencement of such year;

(ii) Such permission for composition shall be granted within thirty days from the date of receipt of an application, during the year for which the composition is applied for. The permission shall be in Form 8A and shall be for one year and may be renewed from year to year on an application made by the dealer in that behalf in Form 8. Such permission shall be valid, unless it is cancelled for any of the reasons specified in clauses (iv) and (v), for the entire year to which it relates."

15

[No. FD 321 CSL 64].

By Order and in the name of the Governor of Mysore,

51

N. J. GOREPEERZADE, *Under Secy.*

Erratum.

In the Notification G.S.R. 502, dated 3rd April 1965, published on pages 533 to 541 in Part IV-2-c (i) of the *Mysore Gazette*, dated 13th May 1965 at the end [No. FD 62 RTC 63] may be corrected and read as [No. RD 172 MZD 64].

Compiler.

Prin by the Director of Printing, Sty. & Publications at the vt. P Blore.

NOTIFICATION

Bangalore, dated the 18th May 1965.

G. S. R. 526.—In exercise of the powers conferred by sub-section (1) of Section 15 of the Mysore Legislature Salaries Act, 1956 (Mysore Act 2 of 1957), the Government of Mysore hereby makes the following rules further to amend the Mysore Legislature (Presiding Officers) Travelling Allowances Rules, 1957, namely :—

1. Title.—These rules may be called the Mysore Legislature (Presiding Officers) Travelling Allowances (Amendment) Rules, 1965.

2. Insertion of new rule 3 A:—After rule 3 of the Mysore Legislature (Presiding Officers) Travelling Allowances Rules, 1957, the following rule shall be and shall always be deemed to have been inserted, namely :—

"3A. When the Speaker or the Chairman, while touring on duty outside the State falls ill and receives urgent medical attendance at any place, he shall, in addition to the reimbursement of the expenses under rule 8A of the Mysore Legislature (Presiding Officers) Medical Attendance Rules, 1959, be entitled to daily allowance for the days of halt at the place at which he receives medical attendance and treatment".

[No. LAW 68 LGR 64].

By Order and in the name of the Governor of Mysore,

57 R. SANJEEVALU, *Secretary*

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 28th April 1965.

G. S R. 529.—The draft of the following of Rules which the Government of Mysore proposes to make in exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act 17 of 1962) read with Sections 27, 29, 30, 32, 33 and 44 of the said Act and all other powers enabling it in this behalf and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken up for consideration on or after 3rd July 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore in respect of the said draft before the date specified above will be considered by the State Government. Objection or suggestion may be addressed to Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1, the Government of Mysore hereby make the following rules, namely :—

RULES

1. Title.—These rules may be called the Mysore Prohibition (Liquor) Rules, 1965.

2. These rules shall extend to all the areas of the State of Mysore, where the Mysore Prohibition Act, 1961 is in force.

3. Definitions.—In these rules, unless the context otherwise requires:—

(*a*) "Act" means the Mysore Prohibition Act, 1961;

(*b*) "District or Divisional Medical Board" or "State Medical Board" means a Medical Board constituted by the State Government for any district or division or the entire State under Section (9) of the Act;

(*c*) "Club licensee" means a person holding a club licence under these rules;

(*d*) "Duty paid liquor" means liquor on which duty leviable under the Indian Tariff Act, 1934 or the Sea Customs Act, 1878 or the Excise or countervailing duty under the Act, has been paid and includes liquor which is exempted from such duty;

(*e*) "Excise Supervision" means the supervision by the members of the staff of the Prohibition or Excise Department appointed in that behalf by the authority competent to appoint them;

(*f*) (I) "Liquor" includes Foreign or Indian made liquors of the following kinds, namely:—

(i) Spirits (ii) Wines and (iii) Fermented Liquors;

(II) (i) Spirits include brandy, whisky gin, liquors and milk punch and such other spirits as the State Government may by notification in the official gazette specify;

(ii) "Wines" means Champagne, Moselle, Burgundy, Chianti, White-wines, Clarets, Hocks, Riesling, Madeira, Ginger-wine, Port-type, Port, Vermouth, Sherry and such other wines as the State Government may by notification in the official gazette specify;

(iii) "Fermented Liquors" means Ale, Beer, Milk stout, Stout, Porter, Cider and such other fermented liquors as the State Government may by notification in the official gazette specify.

(*g*) "Form" means a form appended to these rules;

(*h*) "Licensed Premises" means premises in respect of which a licence has been issued under these rules;

(*i*) "Licensee" means a person who has been granted a licence under these rules;

(*j*) "Permit holder" means a person holding a permit granted under these rules;

(*k*) "Prescription" means a prescription issued by a registered medical practitioner;

(*l*) "Privileged person" means a person to whom special permits are granted under Section 34;

(*m*) "Sale by wholesale" means sale to licensed retailers or wholesalers;

(*n*) "Section" means a section of the Act;

(*o*) "State" means the State of Mysore;

(*p*) "Temporary resident" means a person falling under clause (b) of sub-section 1 of Section 31;

(*q*) "Testing Instruments" means:- (i) Cassellas Hydrometers consisting of 5 glass stems graduated from 0 to 20, 20 to 40, 40 to 60, 60 to 80, and 80 to 100 respectively. (ii) Cassellas single stem pocket Hydrometer graduated from 60 to 90 (iii) An immersion thermometer (iv) Sikes tables as revised by Col. Bedford (v) A glass cylindrical jar-capable of containing about ¾ of a litre of liquids;

(*r*) "Unit" means the quantity of liquor equivalent to (i) one reputed quart bottle of spirits or (ii) three quart bottle of wines or vermouth or (iii) twelve quart bottle of fermented liquors.

PART I

TRADE AND IMPORT LICENCES

4. Application for Licences.—Any person desiring to import and to sell liquor by wholesale shall apply to the Deputy Commissioner for a trade and import licence in that behalf. The application shall contain the following particulars, namely:—

(*a*) Name and address of the Applicant;

(*b*) Location of the shop or premises where he wants to sell liquor, with the number of house or building, name of the street and name of City or Town;

(*c*) Whether to his knowledge any liquor was sold at such shop or premises in the past and if so the period during which it was sold;

(*d*) Whether the applicant held any trade and import licence in the past and if so the year and period during which it was held.

5. Grant of Licence.—On receipt of the application, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may with the previous sanction of the Prohibition Commissioner grant the applicant a licence in form L.1 on payment of a fee of Rs. 1.500 per annum and of such security deposit, if any as may be prescribed by the Commissioner by regulations made under Section 126.

6. Duration of Licences.—No licence under rule 5 shall be granted for a period beyond the 31st March next following the date of the commencement of the licence:

Provided that for licences sanctioned between 1st April and 30th September, full licence fee for the year shall be levied and for licences sanctioned on or after the first day of October only half of the licence fee shall be levied.

7. Removal from Customs Manufactory, etc.—No liquor "(a) brought to any port in the State" (b) brought to the boundary of the State for import into any part of the State from any other part of India or (c) manufactured in a manufactory, distillery or brewery in the State shall be transported by any trade or import licencee from such port, boundary, manufactory, distillery or brewery, as the case may be, to his licensed premises or his warehouse except under a transport permit issued by an Officer duly authorised in that behalf and on payment of such fee or duty as may be notified.

8. What Liqour shall not be kept or sold.—A trade and import licensee shall not receive or keep in his licensed premises or in his warehouse any liquor which has not been lawfully removed from a customs barrier or imported or transported.

9. Sale.—A trade and import licensee :—

(*a*) shall exhibit at his licensed premises, a list supplied by the Commissioner from time to time showing the names and addresses of persons holding licenses for the sale of liquor ;

(*b*) shall not sell liquor to any person unless such person holds a licence for the sale of liquor or for the possession and use of liquor for the manufacture of medicinal, toilet or other preparations to which section 16 applies and produces a transport pass issued by an Officer duly authorised in that behalf.

(*c*) shall not sell liquor to ships going abroad except out of his stock in bond, if any ;

(*d*) shall not sell any liquor unless the buyer produces valid transport or export permit issued by the Deputy Commissioner ;

(*e*) shall not sell liquor at prices exceeding those fixed from time to time by the Commissioner.

10. Liquor bottles to be Banderolled.—No bottle containing liquor shall be sold to any person for consumption

in the State unless it is banderolled in such manner as the Commissioner may, from time to time, direct.

11 No Drinking on Licensed Premises.—A trade and import licencee shall not permit the consumption of any liquor in or on the licensed premises or in his warehouse or in any premises connected therewith that may be in his possession or under his control.

12 Racking, etc., not Permitted.—No liquor shall be racked, bottled, blended, reduced, flavoured or coloured by a Trade and Import licensee except in accordance with the provisions of the Act and the rules, regulations and orders made thereunder.

13 Adulterated and Spurious Liquor not Allowed.—No trade and import licensee shall adulterate or in any manner cause to deteriorate any liquor or knowingly receive or keep on licensed premises or in the warehouse or sell liquor which is or has been adulterated or which has deteriorated or has been allowed to deteriorate. He shall also not receive, keep or sell spurious liquor of any kind.

14. Working days and Hours.—The licensee shall not on any day carry on his business after 9-30 P M. I S.T. or before 9-30 A.M nor shall he carry on the said business on such days as may be notified by the Commissioner.

15. Transaction under Excise Supervision.—All transactions pertaining to receipt, storage, purchase and sale of liquor shall be carried out under the supervision of such Excise or Prohibition authorities as the Commissioner may direct.

16. Appointment of Staff for Excise Supervision.—The Prohibition Commissioner may appoint such Excise or Prohibition staff at the licensed premises for supervision as he deems necessary.

17. Combination of other Business not Permitted.—The trade and import lincensee shall not in any case combine

the business of sale of liquor with any other business in or at the licensed premises.

18. Liquor to be sold in Sealed Bottles —Liquor shall not, save with the permission of the Commissioner, be kept or sold by a trade or import licensee except in full corked bottles sealed or capsuled.

19. Regulation of Business of Licensee.—(a) No person shall be recognised as partner of the trade and import licensee for the purposes of his licence unless the partnership has been declared to the Deputy Commissioner before the licence is granted and the names of the partners have been entered jointly in the licence, or, if the partnership is entered into after the granting of license, unless the Deputy Commissioner agrees, on application made to him to alter the licence, and to add the name or names of the partner or partners in the licence.

(*b*) A trade and import licensee shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in that behalf by a written Nowkarnama signed by himself and countersigned by a Prohibition officer.

Provided that any such Nowkarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Deputy Commissioner shall order the withdrawal of any Nowkarnama issued by the licensee, the Nowkarnama shall be withdrawn forthwith. For every Nowkarnama issued by him and countersigned by the Prohibition Officer the licensee shall pay a fee of Re. 1 No Nowkarnama shall be issued to any person under 18 years of age and no such Nowkarnama if issued shall be valid.

(*c*) (i) A trade and import licensee shall keep in the licensed premises and also in his warehouse, an up-to- date list showing the names of all his approved agents or servants.

(ii) The licensee shall keep in the licensed premises in a bound book paged and stamped with the seal of the Deputy Commissioner such accounts as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written up to date daily. With these accounts shall be filed the transport passes under cover of which liquor was received, sold or transported. These accounts shall be open to inspection by the Deputy Commissioner or any other Officer empowered under Sections 99 and 101.

(iii) The licensee shall periodically submit such returns as may be prescribed by the Commissioner.

(iv) The licensee shall keep a complete set of testing instruments for testing liquor.

(*d*) The licensed premises and the warehouse of a trade and import licensee and all liquor contained in such premises or warehouse shall at all time be open to inspection by the Deputy Commissioner and the Prohibition Officers empowered under Sections 99 and 101.

(*e*) The licensee shall when called upon by any Prohibition Officer give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand, allow an inspecting officer to take without payment samples not exceeding 1/8 litre for analysis.

(*f*) The licensee shall keep an inspection book paged and stamped with the seal of the Deputy Commissioner always available to inspecting officers to enable them to record their remarks. All inspecting officers should record in the inspection book, the time and date of their inspection and other remarks relating to the inspection. The licensee shall on the termination of the period of his license, deliver the inspection book, the account book and the license to the Prohibition Officer and may retain the verified and cancelled permits.

(*g*) Except with the permission of the Deputy Commissioner, the licensee shall not sell, transfer or sublease

the right conferred upon him by this license nor shall he in connection with the said right enter into any agreement or arrangement which in the opinion of the Deputy Commissioner is in the nature of a sub-lease. If any dispute arises, whether any agreement or arrangement is in the nature of a sub-lease or not the decision of the Deputy Commissioner in the matter shall be final and binding on the licensee.

20. Licensee to abide by the Provisions of the Act, etc.— (*a*) Every trade and import licensee shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and Regulations and orders made thereunder.

(*b*) Every licensee shall give an undertaking to the Deputy Commissioner, at the time of taking delivery of the license, in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license.

(*c*) The licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the trade and import license after the expiry of the period for which such license was granted.

(*d*) When a trade or import license is suspended or cancelled during the currency of the license period or is not renewed after its expiry, the licensee shall forthwith intimate to the Deputy Commissioner the quantity of liquors in stock with him. On receipt of such intimation, the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will however be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees; the licensee will not however be allowed to receive fresh stock after his license expires or is suspended or cancelled, except those stocks for which transport or import permits have already been issued

and which are in transit. The permission to sell the stock to other licensees wi l be subject to the condition that all sums du: to the State Government wil: first be paid out of the sale proceeds :

Provided that if there is no demand for the liquor in sto: k or if it is foun l to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

21. Suspension or Cancellation of License —A'l licenses granted under rule (5) may be suspended or cancelled in accordance with the Provisions of Sections 45 and 47.

PART II

RETAILER'S LICENSES FOR SALE OF LIQUOR

22. Application for License.—Any person desiring to sell liquor by retail to persons holding licenses or permits for its possession, consumption or use shall apply to the Deputy Commissioner for a retailer's license on that behalf. The application shall contain the following particulars :—

(*a*) Name and address of the applicant;

(*b*) If the applicant is a firm or a company, the names and addresses of all the partners and Directors of the firm or company as the case may be;

(*c*) Location of the premises where the applicant intends to conduct the business under the license;

(*d*) Whether any liquor was sold to the knowledge of the applicant at the above place in the past, and if so the year, and period during which it was sold.

23. Grant of License and Payment of fee.—On receipt of the application the Deputy Commissioner may make enquiries for verification of the details of the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license

applied for he may, with the previous sanction of the Commissioner grant the applicant a retailer's license in Form L 2 on payment of the fee of Rs. 3,000 per annum and of such deposit if any, as may be prescribed by the Commissioner under the provisions of the Act.

24. Duration of Licenses.—No license under rule 23 shall be granted for a period beyond the 31st of March next following the date of the commencement of the license:

Provided that for licenses sanctioned between 1st April and 30th September full license fee for the year shall be levied and for licenses sanctioned on or after the first day of October only half the license fee shall be levied.

25. Transactions at the Licensed Premises:—The licensee shall not transact any business on such days if any as may be notified by the Commissioner.

26. Appointment of Staff for Supervision:—The Deputy Commissioner may with the approval of the Commissioner appoint such Excise or Prohibition staff at the licensed premises for supervision as he deems necessary.

27. Kinds of Liquor Authorised for Sale:— No liquor other than those authorised by the Deputy Commissioner shall be received, brought, held in stock or sold at the licensed premises.

28. Sources of Supply—Liquor required for sale under the license shall be obtained from a person holding a trade and import licence under these rules or from a distillery or a manufactory or a brewery with the special permission of Deputy Commissioner from any other source or place. All such liquor shall be transported to the licensed premises under a valid transport or import permit.

29. What Liquor should not be Kept or sold:—(*a*) No liquor other than that obtained under rule 28 shall be received, kept or sold at the licensed premises.

(*b*) No adulterated, deteriorated or spurious liquor shall be received, kept or sold at the licensed premises.

30. To whom Liquor shall or shall not be sold :—(*a*) The licensee may sell liquor to holders of permits or authorisations.

(*b*) No liquor shall be sold to any permit holder unless the permit holder has a corresponding balance of units remaining unpurchased under his permit during the currency of the month of such sale to him. The licensee shall on each occasion enter in the permit of the permit holder, the details of sale of such liquor and sign his name and note his licence number below such entry.

31. Selling Prices :—Liquor shall not be sold from the licensed premises at a price exceeding the maximum price, if any fixed by the Commissioner from time to time.

32. Liquor Bottels to be banderolled :—No bottle containing liquor shall be sold from the licensed premises unless it is banderolled in accordance with the instructions, if any, issued by the Prohibition Commissioner.

33. No Drinking in the licensed premises: —The licensee or his agent or servant in charge of the licensed premises shall not permit liquor to be consumed in such premises.

34. Working hours, etc:—The licensed premises shall be kept open for business between the hours of 9. 30 A. M. and 9. 30 P. M. on all days.

35. Combination of business :—Except with the special permission of the Deputy Commissioner, the business of selling liquor at the licensed premises shall not be combined with any other business in the licensed premises.

36. Liquor to be sold in sealed bottles :—Liquor shall not be kept or sold at the licensed premises except in corked bottles sealed or capsuled.

37. Transport passes for liquor:—Unless permitted under a permit or licence no liquor sold from the licensed premises shall be transported except under a valid transport permit.

38. Regulation of business of license—(*a*). No person shall be recognised as partner of the holder of a retailers licence for the purposes of his licence unless the partnership has been declared to the Deputy Commissioner before the licence is granted and the names of the partners have entered jointly in the licence or if the partnership is entered into after the granting of licence, unless the Deputy Commissioner agrees on application made to him to alter the licence and to add the name or names of the partner or partners in the licence.

(*b*) A holder of a retailer's licence shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in this behalf by a written Nowkarnama signed by himself and countersigned by a Prohibition Officer.

Provided that any such Nowkarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Deputy Commissioner shall order the withdrawal of any Nowkarnama issued by the licensee, such Nowkarnama shall be forthwith withdrawn. For every Nowkarnama issued by the licensee and countersigned by the Prohibition Officer a fee of Re. 1 shall be charged. No Nowkarnama shall be issued to any person under 18 years of age and no such Nowkarnama, if issued, shall be valid.

(*c*) (i) The licensee shall keep in the licensed premises an up-to-date list showing the names of all his authorised agents and or servants.

(ii) The licensee shall keep in the licensed premises in a bound book, paged and stamped with the seal of the Deputy Commissioner, such accounts as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written up-to-date daily. With these accounts shall be filed the transport passes under cover of which liquor

was received, sold or transported. These accounts shall be open to inspection by the Deputy Commissioner or any other Officer empowered under sections 99 and 101.

(iii) The licensee shall submit such returns as may be prescribed by the Commissioner.

(iv) The licensee shall keep a complete set of testing instruments for testing liquor.

(*d*) The licensed premises and all liquor contained therein shall at all times be open to inspection by the Deputy Commissioner and Prohibition Officers empowered under Sections 99 and 101.

(*e*) The licensee shall, when called upon by any Prohibition Officer give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises and shall answer all reasonable questions to the best of his knowledge and belief. He shall also, on demand, allow an inspecting officer to take without payment samples not exceeding ½ litre or one pint for analysis free of cost.

(*f*) The licensee shall keep an inspection book, paged and stamped with the seal of the Deputy Commissioner always available to inspecting officers to enable them to record their remarks. All inspection officers should record in the inspection book the time and date of their inspection, and other remarks relating to the inspection. The licensee shall on the termination of the period of his license deliver the inspection book, the account book and the licence to the Prohibition Officer and may retain the verified and cancelled permits.

(*g*) Except with the permission of the Deputy Commissioner the licensee shall not sell, transfer or subject the right conferred upon him by this licens nor shall he in connection with the said right enter into any agreement or arrangement which in the opinion of the Deputy Commissioner is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the

nature of a sub-lease the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

39. Licensee to Abide by the Act etc.—(*a*) Every licensee shall comply promptly with all orders or directions issued from time to time under the Act and the rules and regulations and orders made thereunder;

(*b*) Every licensee shall give to the Deputy Commissioner, at the time of taking delivery of the license an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license.

(*c*) The licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the license after the expiry of the period for which such license was granted.

(*d*) When the license is suspended or cancelled during the currency of the license period or is not renewed on its expiry, the licensee shall forthwith intimate the Deputy Commissioner of the quantity of liquor in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will however be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licansees. The licensee will not however be allowed to receive fresh stock after his license expires or is suspended or cancelled except the stocks for which transport or import permits have been issued and which are in transit. The permission to sell the stock to other licensees will be subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds;

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

40. Suspension or cancellation of License.—All licenses granted under rule 23 may be suspended or cancelled in accordance with the provisions of Sections 45 and 47.

41. Liquor depot in charge of Officers.—(i) The State Government may establish depots for the sale of liquor to persons holding permits for its possession, consumption or use and locate, such depot in any suitable place and entrust the business of such depots to such Officers as it deems fit.

(ii) No license shall be necessary for the possession and sale of liquor in the depot by the officer referred to in sub rule (i).

(iii) Subject to the provision of sub-rule (ii) above the Officer-in-charge of the depot shall abide by the rules in this part and shall also comply with all orders and instructions issued by the Prohibition Commissioner, Deputy Commissioner, Prohibition Officer and other Officers duly empowered in this behalf in connection with the management of the business relating to the depot.

PART III

HOTEL LICENSE

42. Application for a Hotel license.—Any manager or proprietor of a Hotel, desiring to sell foreign liquor by retail to permit holders residing or boarding at his hotel, may apply to the Deputy Commissioner for a hotel license. The application shall contain the following particulars

(*a*) Name and address of the applicant.

(*b*) Name of the hotel, its location with the number of the house or building, name of street and name of city or town as the case may be.

(*c*) Whether the hotel held any hotel license in the past and if so the period during which it was held.

(*d*) Average number of permit holders residing or boarding at the hotel per day separately. The average shall be calculated on the total number of such permit holders during the six months immediately preceding the date of the application.

(*e*) Number of the room assigned for sale and consumption of liquor.

43. Grant of license and its duration.—(*a*) On receipt of an application under rule 22, the Deputy Commissioner may make enquiries for verification of the particulars given in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license applied for, he may grant the applicant, with the previous sanction of the Prohibition Commissioner a license in Form L. 3 on payment of a fee of Rs. 2,000 only per annum and of such deposit as may be prescribed by the Commissioner.

(*b*) No license under this rule shall be granted for a period beyond the 31st March next following the date of the commencement of the license:

Provided that for licenses sanctioned between 1st April and 30th September full license fee shall be levied and licenses sanctioned on or after the first day of October only half of the license fee shall be levied.

44. Admission of Partners.—No person shall be recognised as a partner of a hotel license unless the partnership has been declared to the Deputy Commissioner before such license is granted and the names of the partners have been entered jointly in the license or if the partnership is entered into after the granting of licence, unless the Deputy Commissioner agrees on application made to him to alter the licence and to add the name or names of the partner or partners in the licence.

PART IV

CLUB LICENCE

45. Application for a club licence.—The Secretary of a club or any person duly authorised in that behalf by the club may, if it is inteded to sell liquor at such club, apply to the Deputy Commissioner for a club licence. The application shall contain the following particulars, namely :—

(*a*) Name of the club

(*b*) Location of the club, with the number of the house or building, name of street and name of city or town as the case may be

(*c*) Objects of the club

(*d*) Name of the Secretary or other person authorised by the club to be its principal executive officer.

(*e*) Number of members

(*f*) Rules of the club relating to the election of members, terms of subscription, entrance fee, if any, and hours of opening.

(*g*) Whether the club held any licence in the past and if so, the year and period during which it was held.

(*h*) Average number per day of resident members, if any, the average should be calculated on the basis of total number of such residential members during the six months immediately proceeding the date of the application.

(*i*) Number of the room assigned for sale and consumption of liquor.

46. Grant of licence and its duration.—(*a*) On receipt of an application, under rule 45, the Deputy Commissioner, may make enquiries for verification of the particulars furnished in the application and such other enquiries as he deems necessary, and if he is satisfied that there is no objection to grant the licence applied for, he may with the previous approval of the Prohibition Commissioner and the State Government grant a licence in Form L. 4 to the Secretary

or other authorised person on payment of a fee of Rs. 300 per annum and of such deposit as may be prescribed by the Prohibition Commissioner under the Act.

(b) No licence shall be granted for a period beyond 31st March next following the date of commencement of the licence : Provided that for licences sanctioned on or between 1st April and 30th September full licence fee for the year shall be levied and for licences sanctioned on or after the first day of October only half of the licence fee shall be levied.

PART V

Common Rules for Hotel and Club Licences

47. Employment of Servants.—(i) The business of selling foreign liquor at a hotel or club shall be carried on by the licensee personally or by an agent or servant duly authorised by him in this behalf, by a written Nowkarnama signed by himself and countersigned by a Prohibition Officer:

Provided that any such Nowkarnama signed by the licensee shall be valid until such countersignature is refused.

(ii) Such Nowkarnama shall be forthwith withdrawn by the licensee if so ordered by the Deputy Commissioner for any reason. For every Nowkarnama issued by him and countersigned, the licensee shall pay a fee of Re. 1.

(iii) No Nowkarnama shall be issued to any person under 18 years of age and no Nowkarnama if issued shall be valid.

48. Source of supply.—Liquor required for a licensed hotel or a club shall not be bought except from a person holding a trade and import licence and shall not be transported except under a transport permit issued by the Deputy Commissioner or other Authorised Officer.

49. (*a*) A hotel or club licensee shall not keep or sell in the licensed premises, liquor of any kind which he is not authorised to buy under the licence or keep or sell liquor in any place except in the licensed premises.

(*b*) No adulterated, deteriorated or spurious liquor of any kind shall be received, stored or sold by the licensee.

50. Manner of sale.—Liquor may be sold in millilitres of 100 or 50 capacity at a hotel or club for consumption only in the room assigned for that purpose. However a club licensee may also sell liquor in sealed bottles.

51. Maintenance of Accounts and inspection thereof.—(*a*) There shall be maintained in the licensed premises accounts of daily transactions. Such accounts shall be kept in a bound book, paged and stamped with the seal of the Deputy Commissioner. The licensee will also submit every month before the tenth of the month's brief returns of the accounts relating to the previous month.

(*b*) The licensed premises and the liquor stored therein and all accounts and registers and books maintained in respect of such liquor by the licensee shall at all times be open for inspection by any officer empowered under Sections 99 and 101. Any irregularity noticed by such officer shall be explained to him by the licensee.

(*c*) The licensee shall, when called upon by any Prohibition Officer give an explanation in writing, regarding any irregularity detected at the licensed premises and shall furnish any information regarding the management of the licensed premises and answer all reasonable questions to the best of his knowledge and belief. The licensee shall also, on demand, allow an Inspecting Officer to take without payment samples for analysis, not exceeding 1/8 litre or 4 ozs. free of cost.

(*d*) The licensee shall keep an inspection book, paged and stamped with the seal of the Deputy Commissioner always available to inspecting officers to enable them to record their remarks. All inspecting officers should record in the inspection book, the time and date of their inspection and other remarks relating to their inspection. The licensee shall on the termination of the period of his licence deliver up the inspection book, account book and the licence to the Prohibition Officer and may retain the verified and cancelled permits.

52. Appointment of Staff for Supervision.—The Deputy Commissioner may appoint such staff for supervision at the licensed hotel or club premises as he deems necessary.

53. Closure of Premises.—(*a*) A hotel or club licensee shall close the licensed premises on such days and during such hours as may be notified by the Prohibition Commissioner under the Act.

(*b*) The licensee may also, of his own accord, close the licensed premises during riot or disturbance or epidemics in the neighbourhood thereof.

(*c*) The licensee shall not be entitled to claim any compensation on account of the closure of the licensed premises under this rule.

54. Prohibition regarding Drunkenness, etc.—No drunkenness or gambling in or near the room which has been assigned for the sale of liquor shall be permitted by the licensee nor shall any disorderly persons be allowed to remain therein.

55. Sale to permit holders :—(*a*) (i) A licensee shall not sell liquor to any person except a permit holder residing or boarding at the hotel or in the case of a club, to its resident member holding a permit. No sale of liquor shall be made to a permit holder unless a permit holder has got a corresponding balance of units remaining unpurchased under his permit during the month of such sale to him.

(ii) All licensees shall enter the details of sale o liquor to any permit holder in the permit of such permit holder.

(*b*) A licensee shall not sell or serve liquor except between 10 A. M. and 11 P. M.

(*c*) A licensee shall not sell or supply or attempt to sell or supply any liquor to or for the use of a permit holder who is insane or is known or believed to be intoxicated.

56. Licensee to abide by the Act, Rules, etc. :—A licensee shall abide by all the conditions of the licensee and the provisions of the Act and the rules, regulations and orders made thereunder and shall give to the Deputy Commissioner at the time of taking delivery of the licence an undertaking in the form of a counterpart agreement on a duly stamped paper to that effect.

57. No Claim to renew a Licence.—A licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the licence as the case may be after the expiry of the period for which such licence was granted.

58. Cancellation of Licence :-All licences may be suspended or cancelled in accordance with the provisions of Sections 45 and 47.

59. Unsold Liquor :—When a licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith intimate the Deputy Commissioner of the quantity of liquor in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stock will, however, be deemed to be in the custody of the ex-licensee who will make arrangaments and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees. The licensee will not however be allowed to receive fresh stock after his licence expires, or is suspended or cancelled, except the stocks for which transport or import permits have been issued and which are in transit. The permission to sell the stock to other licensees will be subject to the condition that all sums due to the State Government will first be paid out of the sale proceeds.

Provided that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

PART VI

PERMITS FOR POSSESSION, USE AND CONSUMPTION OF LIQUOR.

60. Description of permits:—Permits of the following kinds for the possession, use and consumption of liquor may be granted under these rules, namely :—

(*a*) Temporary resident's permits

(*b*) Health permits

(*c*) Emergency permits

(*d*) Special permits for privileged persons

(*e*) Tourist permits

(*f*) Interim permits

61. Temporary Resident's (Foreigner's) permits:—(*a*) Any temporary resident desiring to possess, use and consume liquor may apply to the Deputy Commissioner in form L (A) 1. The form may be obtained from the office of the Deputy Commissioner on payment of a fee of Re. 1.

(*b*) (i) On receipt of the application, the Deputy Commissioner shall satisfy himself that the applicant is not a minor, is a temporary resident and that he fulfils the other conditions of section 31.

(ii) The Deputy Commissioner shall make such other enquiries as he deems necessary.

(*c*) If the Deputy Commissioner on making the necessary enquiries is satisfied that there is no objection, he may in consultation with the District Prohibition Officer of the District and in conformity with the orders, if any, of the State Government and the Prohibition Commissioner grant the applicant on payment of a fee of Rs. 100 in form L. 5, a permit for the possession, use and consumption of liquor.

(*d*) No permit shall be granted for a period beyond the 31st March next following the date of its commencement; Provided that for permits granted between the 1st April and 30th September full fee for the year shall be charged and for permits granted on or after the 1st day of October half the fee shall be charged.

(*e*) The permits shall be granted for such monthly quantity not exceeding 4 units as the Deputy Commissioner may fix in each case.

(*f*) The permit holder shall not possess at any one time any quantity of liquor exceeding that fixed in his case by the Deputy Commissioner under sub-rule (*e*).

(*g*) The privileges of purchase and possession of liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(*h*) (i) Liquor permitted for consumption under the permit shall not, except with the permission of the Deputy Commissioner be obtained from any place other than a Government depot or a licensee.

(ii) The permit holder shall get all purchases of liquor entered in his permit by the Officer-in-charge of the Government depot or the licensee as the case may be.

(*i*) Whenever a permit holder leaves the State for more than 3 months during the currency of the permit period, he shall, before leaving the State, deposit with the Deputy Commissioner, his permit and stock of liquor if any held by him thereunder and obtain a receipt therefor. The stock so deposited shall be kept by the Deputy Commissioner in safe custody and marked with such distinguishing marks as he may deem fit. If the permit holder returns to the State before the expiry of the period of the permit, the permit and the stock so deposited shall be returned to him on production of the receipt.

(*j*) A permit holder shall give to the Deputy Commissioner at the time of taking delivery of the permit granted under sub-rule (*c*) above, an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and the rules, regulations and orders made thereunder.

(*k*) A permit may be cancelled or suspended in accordance with the provisions of Sections 45 and 47.

(*l*) Where the permit is cancelled or suspended during the currency of the permit period or is not renewed after its expiry, the permit holder shall surrender forthwith the whole of the unconsumed stock of liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner in such manner as he thinks fit and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder:

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price of less than 75 per cent of the price fixed for such liquor by the Commissioner under rule 31 of these rules:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

62. Health Permit.—(*a*) Any person, not being a minor, desiring to possess, use or consume liquor for the preservation or maintenance of his health may make an application in form L(A) 2 to the Deputy Commissioner. The applicant shall obtain the form of application from the office of the Deputy Commissioner on a payment of Re. 1. He shall also pay such other sums as have to be paid by him under the Mysore Prohibition (Health and Drug Permit) Medical Board Rules, 1962.

(*b*) The applicant shall appear before the Medical Board for medical examination as provided for in these rules.

(*c*) On receipt of the application, the report of the Medical Examination, the record connected therewith and the certificate in form M. C. the Deputy Commissioner shall satisfy himself (i) that the applicant is not a minor and (ii) that the applicant requires liquor for preservation or maintenance of his health, the Deputy Commissioner may also make such other enquiries as he deems necessary.

(*d*) If the Deputy Commissioner on making the necessary enquiries if any is satisfied that there is no objection, he may in conformity with the orders of the State Government, Commissioner and the Mysore Prohibition (Health and Drug Permits) Medical Board Rules, 1962 and after taking into consideration the recommendation of the District/Divisional Medical Board grant the applicant on payment of a fee of Rs. 100 per annum, a licence in form L. 6 for the possession, use and consumption of liquor for preservation or maintenance of his health as the case may be.

(*e*) No such permit shall be granted for a period exceeding that recommended by the District/Divisional Medical Board or the State Medical Board as the case may be, and such period shall not exceed one year or the unexpired portion of one year preceding the next 31st of March following the date of commencement of the permit.

(*f*) A permit holder desiring to renew the permit after the expiry of the period for which it was granted shall make a fresh application. The provisions of rules 64 and 65 and sub-rules (*a*) to (*c*) of this rule shall apply to such applicant.

(*g*) The Deputy Commissioner shall grant a permit for the quantity recommended by the District/Divisional Medical Board or State Medical Board as the case may be. In the case of difference of opinion between the members of the Board as to the quantity, the Deputy Commissioner may grant not less than the quantity recommended by the minority and not more than the quantity recommended by the majority of the members.

(*h*) The privileges of purchase and possession of liquor granted under the permit shall be extended only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permits.

(*i*) The liquor purchased under the permit shall be used or consumed by the permit holder solely by himself and shall not by sold or given to or allowed to be used or consumed by any other person.

(*j*) (i) Liquor permitted for use and consumption under a permit granted under this rule shall not be obtained from a place other than a Government depot or a licensed hotel or club or a shop holding a retailer's Licence.

(ii) The permit holder shall get all purchase of liquor entered in his permit by the officer-in-charge of the Government Depot or the licensee as the case may be.

(*k*) The permit holder shall not at any time during the currency of any permit possess any quantity of liquor exceeding that which he is permitted to use and consume during any month.

(*l*) The permit holder shall give to the Deputy Commissioner at the time of taking delivery of the permit an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the permit.

(*m*) A permit may be suspended or cancelled in accordance with the provisions of Sections 45 and 47. Where a permit is suspended or cancelled during its currency or is not renewed on its expiry, the permit holder shall forthwith surrender the whole unconsumed liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner in such manner as he thinks fit. And the proceeds of the sale shall, after deducting the expenses and any sum due to the Government be returned to the permit holder:

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price less than 75% of the price fixed for such liquor by the Commissioner under rule 31 of these rules:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

63. Health Permits to Visitor's from Other States.—Notwithstanding anything contained in rule 62, a licence in form L, 6 may be granted by the Deputy Commissioner for such period as he deems fit, on the application of any person not being a minor from any other State in India on payment of a fee of Rs. 10 per month or portion of a month :

Provided the applicant is in possession of a similar license in the State from which he comes.

Provided further that the quota of liquor to be permitted to be consumed under the license in form L. 6 does not exceed the unpurchased quota under the original permit.

64. Examination by District/Divisional Medical Board.—(*a*) For the purpose of granting health permits under these rules a District/Divisional Medical Board shall receive the application forwarded to it by the Deputy Commissioner or an officer authorised by the Deputy Commissioner and direct the applicant to appear before it on the day and at the time and place specified by it in that behalf:

Provided that an applicant who is more than 68 years of the age or who is physically incapable to present himself for a medical examination at the appointed place may at his request and on production of a medical certificate issued by the personal medical advisor to that effect be examined by the Board at his residence and on payment of the fee prescribed under the Mysore Prohibition (Health and Drug Permit) Medical Board Rules 1962.

(*b*) The Medical Board shall on the appearance of the applicant before it examines the applicant and follow the procedure laid down in the Mysore Prohibition (Health and Drug permit) Medical Board Rules, 1962.

65. Examination by State Medical Board.— (*a*) The Commissioner, either *Suo Moto* or on an appeal filed before him by an applicant or permit holder or on reference to him by the Deputy Commissioner may refer any case to the State Medical Board for their examination.

(*b*) The State Medical Board will follow the procedure laid down in the Mysore Prohibition (Health and Drug Permit) Medical Board Rules, 1962.

66. Emergency Permit.— (*a*) Any person desiring to possess Brandy, Rum or Champagne, for his own use or for the use of his house-hold as medicine on emergent occasions mayapply to the Deputy Commissioner in form L(A) 3. He may obtain such form from the Office of the Deputy Commissioner on payment of a fee of Re. 1.

(*b*) On receipt of the application the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection, grant the applicant on payment of a fee of Rs. 5 a permit in form L. 7 for the possession of Brandy, Rum or Champagne, as the case may be, for medicinal use on emergent occasions.

Provided that the applicant is not a mionr and no permit shall be granted to more than one person of a household at any one time.

(*c*) No permit under sub-rule (b) shall be granted for a period beyond 31st March next following the date of the commencement of the permit and for a quantity exceeding 1/5 of litre of Brandy, or Rum for six months or 2/5 of litres of Champagne for 6 months.

(*d*) A permit holder desiring to renew his permit shall make a fresh application in that behalf and the provisions of sub-rules (a) to (c) of this rule shall apply to such application.

(*e*) No Brandy, Rum or Champagne shall be purchased or obtained by a permit holder who renews his permit under rule (d) if he has already in his possession, the maximum quantity of liquor permitted under sub-rule (c).

(*f*) The privileges of purchase, transport, and possession of Brandy, Rum or Champagne granted under the permit shall extend only so far as they are incidental to its use of consumption in accordance with these rules and the conditions of the permit.

(*g*) The liquor purchased under the permit shall be used solely by the permit holder and the members of his household :

Provided that the permit holder may allow the use or consumption of liquor in respect of which the permit has been granted, to any other person who requires the use thereof for medicinal purpose on emergent occasions ;

Provided further that when the permit holder so allows the use or consumption of liquor held by him under the permit to any other person he shall intimate the said fact in writing to the Officer-in-charge of the nearest Police Station within 24 hours of such use or consumption.

(*h*) The permit holder shall not obtain Brandy, Rum or Champagne except from a Government Depot or from a holder of a retailer's license. He shall get all purchases of such liquor entered in his permit by the Officer-in-charge of the Government Depot or the holder of a retailer's licence as the case may be.

(*i*) The permit holder shall abide by the conditions of the permit and the provisions of the Act, Rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(j) The permit may be suspended or cancelled in accordance with the provisions of sections 45 and 47.

(*k*) In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the permit holder shall surrender forthwith the whole of the unused stock of liquer to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner and the proceeds of sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder ;

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price less than 50 per cent of the price fixed for such liquor by the Commissioner under rule 31 of these rules ;

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated, the Deputy Commissioner may order its destruction.

67. Special permit for Privileged persons:—(*a*) Any privileged person desiring to possess, use or consume liquor shall apply either himself or through his representative to the State Government or an Officer authorised by the State Government to grant permits under Section 34 of the Act in form L (A) 4 which shall be supplied to him free of cost.

(*b*) On receipt of the application the authority receiving the application shall after making such enquiries as it deems necessary, grant the applicant a permit in form L. S for the possession, use and consumption of liquor.

(*c*) The permit may be granted for a period not extending beyond the 31st of March next following the date of commencement of the permit.

(*d*) The permit may be granted without restriction as to the quantity.

(*e*) The privileges of purchase and possession of liquor granted under the permit shall extended only so for as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(*f*) Liquor permitted for consumption under the permit shall ordinarily be obtained by the permit holder from his own stock in customs, bond or from the stock in customs bond of a trade and import licensee;

Provided that the authority granting the permit may permit the permit holder to obtain liquor from any other source or place.

(*g*) The permit holder shall on relinquishing charge of his office or on his ceasing to be a person falling under any of the categories mentioned in sub-rule (a) above, surrender his permit together with the stock of liquor held by him thereunder to the Deputy Commissioner. The stock of liquor so surrendered may with the permission of the Commissioner be handed over to the permit holder's

successor in office or shall be disposed of in such manner as the Commissioner may direct ;

Provided that nothing in the sub-rule shall apply to any person falling under (a) (i) or his consort and (a) (ii) or his consort.

(*h*) The permit holder shall enter in his permit the quantity of liquor obtained by him from time to time, if it is obtained from his own stock in customs bond and if it is obtained from any other place the quantity of liquor so obtained shall be entered in the permit by the liquor licensee concerned.

(*i*) In the event of any permit holder going out of the State for more than two months, the stock of liquor held by him under the permit shall be disposed of in such manner as the Prohibition Commissioner may direct.

68. Tourist Permit.—(*a*) Any tourist holding Tourist Introduction card or Tourist visa and visiting the State of Mysore may if he desires to posses, use or consume liquor, apply to the Deputy Commissioner or any other officer authorised in this behalf in form L(A) 8, which form shall be supplied to him free of cost.

(*b*) On receipt of the application, the Deputy Commisioner or the authorised officer shall satisfy himself that the applicant is a Tourist and if he sees no objection grant him a permit in form L. 10(A) for the possession, use and consumption of liquor free of charge ; Provided that no such permit shall be granted to a minor.

(*c*) The permit shall be granted for the period of the applicant's intended stay in the State of Mysore, but not exceeding two months in any case.

(*d*) The permit shall be granted for a quantity not exceeding one unit per week.

(*e*) The permit holder shall not possess at any one time any quantity of liquor in excess of the quantity specified in the permit.

(*f*) The privileges of purchase, transport and possession of liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and conditions of the permit.

(*g*) The liquor permitted for consumption under the permit shall not except with the previous permission of the Commissioner be obtained from any place other than a Government depot or a holder of a licence.

(*h*) The permit holder shall get the details entered in his permit of all liquor obtained by him from time to time by the Officer-in-charge of the Government depot or a holder of a licence as the case may be or by the officer issuing the permit in any other case.

(*i*) The permit shall be liable to suspension or cancellation in accordance with the provisions of section 45 and 47.

(*j*) Where a permit is suspended or cancelled during its currency, the permit holder shall surrender forthwith the whole of the unused stock of liquor to the Deputy Commissioner. The stock so surrendered shall be sold by the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder;

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price less than 75 per cent of the price fixed for such liquor by the Commissioner under rule 31 of these rules;

Provided further that if there is no demand for such liquor or it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

69. Interim Permit.—(*a*) Any person who is eligible for a temporary resident's permit, health permit or special permit for privileged personages and desires to possess or use or consume liquor, may apply to the Deputy Commissioner or any other Officer authorised in this behalf in

form L(A) 6 for an interim permit, while applying for a regular permit under any of the said rules.

(*b*) On receipt of the application, the Deputy Commissioner or the Authorised Officer shall satisfy himself, (i) that such applicant is not a minor and (ii) that the applicant is *prima facie* eligible for a permit under sections 31, 32 and 34 as the case may be.

(*c*) If the Deputy Commissioner or the officer authorised under sub-rule (a) is satisfied that there is no objection to grant an interim permit pending the disposal of the application for a regular permit applied for under sub-rule (a) above, he may grant the applicant a permit in form L. 10, for the possession, use and consumption of liquor on payment of a fee of Rs. 5.

(*d*) No such permit shall be granted for a period exceeding 1 month.

(*e*) The permit shall be granted for such monthly quantity of liquor as the Deputy Commissioner may fix;

Provided that such quantity shall not exceed 2 units of liquor per month if the application is for a health permit or 4 units of liquor per month in other cases except with the sanction of the Prohibition Commssioner.

(*f*) The permit holder shall not possess at any one time any quantity of liquor exceeding that which has been fixed in his case by the Deputy Commissioner or other authorised officer under sub-rule (e).

(*g*) The privileges of purchase and possession of liquor granted under the permit shall extend only so for as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(*h*) (i) Liquor permitted for consumption under the permit shall not except with the previous permission of the Prohibition Commissioner be obtained from any place other than a Government Depot or a hotel or club licensee or a holder of a retailer's license as the case may be.

(*i*) The permit holder shall abide by the conditions of the permit and the provisions of the Act and the rules,

regulations and orders made thereunder and shall give an undertaking to that effect.

(*l*) The permit may be suspended or cancelled in accordance with the provision of Section 45 and 47.

(*k*) Where a permit is suspended or cancelled, during the currency of the permit period the permit holder shall surrender forthith the whole of the unconsumed stock of liquor to the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit holder.

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price less than 75 per cent of the price fixed for such liquor by the Commissioner under rule 31 of these rules.

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

PART VII.

POSSESSION AND USE OF BRANDY AND RUM BY INDUSTRIAL, EDUCATIONAL, SCIENTIFIC, RESEARCH OR SUCH OTHER INSTITUTIONS OR BY A PILOT OF AN AIRCRAFT OR BY A PERSON IN CHARGE OF AN AMBULANCE OR A FIRST-AID STATION FOR RENDERING FIRST-AID FOR MEDICINAL PURPOSE IN ANY EMERGENCY.

70. Application for License.—Any person in charge of an Industrial, Educational, Scientific, Research or such other Institution or a pilot of an aircraft or any person in charge of an ambulance of a first-aid station desiring to possess and use Brandy and Rum for rendering first-aid or for emergent medicinal purpose shall apply to the Deputy Commissioner in form L(A) 7. He may obtain such form from the Deputy Commissioner on payment of a fee of Re. 1.

Explanation —"First-aid Station" means any place recognised as such by the State Government.

71. Grant of license.—On receipt of an application, the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection, he may in conformity with the orders of the State Government and the Commissioner if any issued in that behalf, grant the applicant, on payment of a fee of Re. 1 a licence in form L. 11.

72. Limit of Possession and Purchase.—The Deputy Commissioner may fix the quantities of Brandy or Rum both (a) which the licensee may possess at any one time and (b) which he may purchase during a calendar month;

Provided that without the previous sanction of the Commissioner, the quantity which he may possess at any one time shall not exceed ½ litre each of Brandy and Rum and the quantity which may be purchased during a month shall not exceed one litre each of Brandy and Rum.

73. Duration of license.—No license under rule 71 shall be granted for a period beyond 31st March next following the date of the commencement of the license.

74. Source of Supply.—A licensee shall not obtain Brandy or Rum except from a Government Depot or from a holder of a retailer's license:

Provided that the Commissioner may permit him to obtain it from any other place.

75. Use—The Brandy or Rum purchased under the license shall not be used except for rendering first-aid or for medicinal purpose in any emergency. The licensee may use or consume such Brandy or Rum and also allow consumption or use of such Brandy or Rum by any person urgently requiring it on *bona fide* medical grounds or for rendering first-aid.

76. Register of Use.—The licensee shall maintain a register of use of Brandy and Rum in which he shall enter day to day particulars in respect of the following.—

(*a*) Date, month and year;

(*b*) Opening balance of (1) Brandy and (2) Rum;

(*c*) Quantity purchased of (1) Brandy and (2) Rum

(*d*) Total quantity of (1) Brandy and (2) Rum;

(*e*) Total quantity of (1) Brandy and (2) Rum used during the day;

(*f*) Closing balance of (1) Brandy and (2) Rum;

(*g*) Name, and addresses of persons to whom Brandy and Rum was administered during the day;

(*h*) Quantity of (1) Brandy or (2) Rum administered to each person (to be shown against his name);

(*i*) Reasons in details which necessitated administration of Brandy or Rum (to be shown against the name of each person);

(*j*) Signature of the licensee.

77. Unused Stock.—The licensee shall on the termination of his licence, deliver the quantity of Brandy and/or Rum remaining unused with him, the register maintained under rule 76, and the license to the Deputy Commissioner. The Quantity of Brandy and Rum so delivered shall be sold by the Deputy Commissioner and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee;

Provided that the unused Brandy or Rum delivered by the licensee shall not be sold for a price less than 50 per cent of the price fixed for such liquor by the Commissioner under rule 31 of these rules;

Provided further that the unconsumed stock of liquor is, in the opinion of the Deputy Commissioner fit for consumption and unadulterated:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption

or adulterated the Deputy Commissioner may order its destruction.

78. Licensee to abide by the Provisions of the Act Etc.—(*a*) The licensee shall comply with all orders or directions issued from time to time by the Commissioner, Deputy Commissioner, Prohibition Officer or any other Authorised Officer.

(*b*) Every licensee shall give to the Deputy Commissioner, at the time of taking delivery of the license an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license.

PART VIII.

Consumption and Sales of Liquor on Steamers

79. Bringing of Liquor by Passengers on Coastal-Ships on Steamers Etc.—(*a*) No passenger on Board any vessel, boat, launch, ship, steamer, plying on the coast of the State shall possess any liquor while such vessel, boat, launch, ship and steamer is in the territorial waters of the State unless such possession is covered by a valid permit.

(*b*) The stock of liquor in all coastal-ships or steamers shall be sealed by the Captain, or any one authorised by the Captain before the ship or steamer touches any harbour in the State and no sale or consumption from such stock should be made while such steamer is in any port in the State.

(*c*) No license or permit shall be required for sale, purchase, possession, use or consumption of liquor on board of such steamer or ship when the steamer or ship is beyond the territorial waters of India.

(*d*) The captain of the steamer or ship shall be responsible for the observance of the above rules.

80. Foreign Steamers and Through Steamers.—(*a*) The stock of liquor in any foreign steamer or through steamer or with any through passengers or crew thereof, if it touches any harbour in the State shall be sealed in consultation with the customs authority as soon as it enters the territorial waters of the State.

(*b*) No sale or consumption from such stock should be made while such steamer is in any port of the State and visitors and disembarking passengers are on board the steamer.

(*c*) After the disembarking passengers and visitors have left the steamers, the sealed stock of liquor shall be released for consumption by through passengers and the crew.

(*d*) No person other than the through passenger or the crew shall possess, use consume liquor on board such steamer.

(*e*) No license or permit shall be required for sale, purchase, possession, use or consumption of liquor on board such steamer if it is in accordance with the above rules.

(*f*) If the steamer terminates its voyage at any port in the State, the stock of liquor in the Bar of the steamer shall be sealed by the customs authorities and shall not be released until the steamer leaves the port on outward voyage.

(*g*) Sale and consumption of liquor on such steamer shall not be permitted after the steamer enters any port nor before it leaves that port. The Captain of the steamer as well as the Proprietor or the Manager of the Bar shall be responsible for the observance the rule.

Explanation—In this rule, steamer includes any ship or other vessel but does not include any man of war or other public vessel sailing under a foreign flag.

PART IX

POSSESSION, CONSUMPTION, USE AND SALE OF LIQUOR ON PRESCRIPTIONS.—

81. Application for License to dispense Brandy or Rum on prescription :—Any registered medical practitioner or chemist, druggist, apothecary or dealer in medicinal preparations desiring to dispense brandy or rum on prescription may apply to the Deputy Commissioner for a license in that behalf and may dispense brandy or rum after the grant of a license under rule 82 of these rules. The application shall contain the following particulars, namely :—

(*a*) Name and address of the applicant ;

(*b*) Location of the premises where brandy or rum will be dispensed with, the name of the building, street, city, town or village as the case may be ;

(*c*) If the applicant is a registered medical practitioner, the number of registration and the year in which he was registered ;

(*d*) Kinds of licenses held, if any, by the applicant under the Mysore Prohibition Act, 1961 and the Dangerous Drugs Act, 1930.

82. Grant of License.—(*a*) On receipt of the application under Rule 81, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license, he may grant the license in form L. 1 on payment of a fee of Rs. 10 if the applicant is a registered medical practitioner and of Rs. 20 if the applicant is a chemist, druggist, apothecary or dealer in medicinal preparations.

(*b*) The Deputy Commissioner may fix the quantities of brandy or rum or both (1) which the licensee may possess at any one time and (2) which he may purchase during a month ;

Provided that except with the previous permission of the Commissioner, the quantity which may be possessed at any one time shall not exceed one litre bottle each of brandy and rum and the quantity which may be purchased during a month shall not exceed two litres of each of brandy and rum.

83. Duration of license.—No license under rule 82 shall be granted for a period beyond 31st March next following the date of the commencement of the license.

84. Source of supply—(*a*) No person holding a license in form L. 12 shall obtain brandy or rum except from a Government Depot or from a holder of a retailers license.

(*b*) The licensee shall preserve cash memos and permits relating to the purchases of brandy or rum received by him during the period of the license.

85. What Brandy or Rum shall not be kept.—The licensee shall not receive or keep in his licensed premises any brandy or rum which has not been obtained or transported in accordance with the provisions of the Act or the rules, regulations or orders made thereunder.

86. Dispensing on Prescriptions only.—(*a*) The licensee shall not dispense brandy or rum to any person except on prescription issued in the name of such person and except as one of the ingredients of the medicine given under the prescription:

Provided that a registered medical practitioner shall not prescribe or dispense brandy or rum for his own use and consumption, or for any servant or other person working under him.

(*b*) The licensee shall not dispense brandy or rum to any person other than the person in whose name the prescription is issued and in any quantity exceeding that specified therein:

Provided that the licensee may deliver the medicine so dispensed by him to a person other than the person specified in the prescription if such other person is authorised by the medical practitioner or the person in whose name the prescription is issued to take delivery of the medicine and endorse such other persons name on the cash memo referred to in sub-rule (f) of this rule.

(*c*) The licensee shall not dispense brandy or rum on a prescription unless the prescription is in writing and is dated and signed by a registered medical practitioner with his full name, registeration number, qualifications and address and the name and address of the person to whom it is issued and the total quantity of brandy or rum to be dispensed as one of the ingredients of madicine is specified in such prescription.

(*d*) (i) No brandy or rum shall be dispensed by the licensee not being a registered medical practitioner unless the prescription is marked with words "not to be repeated":

Provided that brandy or rum may be dispensed more than once to the same person in pursuance of a fresh prescription duly dated and signed by the registered medical practitioner in accordance with rule (c) above.

(ii) The licensee shall not, except with the previous sanction of the Deputy Commissioner, dispense brandy or rum to the same person for a period of more than ten consecutive days.

(*e*) The licensee shall mark on every prescription dispensed by him, his name and the locality of the premises wherein he carries on the business and the date on which it was dispensed.

(*f*) The licensee not being a registered medical practitioner shall on each occasion on which he dispenses brandy or rum retain the original prescription on his record, give a cash memo in form (A).

(*g*) The licensee shall file and preserve all prescriptions for a period of one year from the date of issue of prescription upon which brandy and rum has been dispensed by him, and shall produce such prescription along

with the license and stock of brandy or rum which may be in his possession for inspection on demand by the Deputy Commissioner or any other Officer empowered under Section 101.

87. Register of sale.— (a) licensee not being a registered medical practitioner, shall maintain a register, wherein, he shall from time to time, record the full name and address of the registered medical practitioner whose prescriptions prescribing brandy or rum were dispensed by him and of the persons in whose name such prescriptions were issued and also the quantity of brandy or rum dispensed by him by the prescriptions.

(*b*) The licensee who is a registered medical practioner shall maintain a register wherein he shall from time to time record the full names and addresses of the persons in whose name the prescription prescribing brandy or rum was issued and also note the quantity of brandy or rum dispensed by him.

(*c*) The licensee shall also maintain a register wherein he shall write from day to day, true and proper accounts of the quantity of brandy or rum dispensed by him balance held by him in stock.

(*d*) The licensee shall before the 7th day of each calendar month furnish to the Deputy Commissioner or such other Officer as may be appointed in this behalf, a copy of the entries made by him in such register during the preceding calendar month.

88. Transport without permit by Registered Medica Practitioner .— If the licensee is a registered medical practitioner, he may, without a permit, carry with him from place to place within the State for the purpose of dispensing during the course of his practice, any quantity of brandy or rum not exceeding one half litre of each.

89. Regulation of Business.— (a) (i) The licensee shall maintain an inspection book, paged and stamped with the seal of the Deputy Commissioner or with the seal of any

Authorised Officer within whose jurisdiction the licensed premises are situated ;

(ii) The inspecting officers may record in the inspection book any remarks when inspecting the licensed premises.

(*b*) The licensee, shall, on the termination of the period of his license deliver up the quantity of brandy or rum remaining unsold with him, the inspection book, the accounts, registers and licenses to the Deputy Commissioner. The quantity of brandy or rum so delivered shall be sold by the Deputy Commissioner and the proceeds of the sale, shall after deducting the expenses and any sum due to the Government be returned to the licensee :

Provided that the unconsumed stock of liquor surrendered by the permit holder shall not be sold for a price less than 75 per cent of the price fixed by the Commissioner under rule 31 of these rules for such liquor, if the liquor is in sealed bottles, and not less than 50 per cent of the price for such liquor, if the liquor is loose ;

Provided further that the unconsumed stock is in the opinion of the Deputy Commissioner fit for consumption and unadulterated :

Provided also that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

(*c*) No person shall be recognised as the partner of the licensee for the purpose of the license, unless the partnership has been declared to the Deputy Commissioner before the license is granted and the name or names of the partners have been entered Jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the Deputy Commissioner agrees on application made to him to alter the licence and add the names of the partners in the license.

Explanation.—For the purpose of this sub-rule the term licensee shall not include a registered medical practitioner holding a licence under rule 82.

90. Licensee to Abide by the Provisions of the Act etc —(*a*) The licensee shall comply with all orders and directions issued from time to time by the Commissioner, Deputy Commissoner or any other Prohibition Officer.

(*b*) The licensee shall at the time of taking delivery of the licence give to the Deputy Commissioner an undertaking in the form of a counterpart agreement on a duly stamped paper that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the licence.

91. Sale of Champagne and Port Wine on Prescription.—(*a*) Champagne and Port Wine may be sold at any Government depot on the production of a prescription:

Provided that where there is no Government Depot, Champagne and Port Wine may likewise be sold by any holder of a retailer's licence on obtaining a licence in that behalf under rule 92.

(*b*) No licence shall be necessary for sale on prescription of champagne and port wine by the officer in charge of the Government Depot. The Officer in charge shall however abide by the rules in this part and shall also comply with all orders and instructions issued by the Commissioner, Deputy Commissioner, Prohibition Officer or any other Officer duly empowered in this behalf.

Explanation.—For the purpose of this rule and rules 92 and 93, a prescription shall mean, a prescription issued in form (B) by a registered medical practitioner who is a family physician of the person for a period of not less than one year immediately proceeding the date of such prescription.

92. Application for license to sell champagne and port wine on prescription.—(*a*) Subject to the provisions of rule 91, any holder of a retailer's license in form L.2 desiring to sell champagne and port wine on a prescription may apply to the Deputy Commissioner for a licence in that behalf and may dispense champagne and port wine after a licence under this rule is granted. The application shall contain the following particulars:—

(*i*) Name and address of the applicant;—

(*ii*) Number of the retailer's licensce held by the applicant;

(*iii*) Location of the premises in respect of which the applicant holds the retailer's licence.

(*b*) On receipt of the application, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquires as he deems necessary. If he is satisfied that there is no objection to grant the licence, he may, grant the applicant license in form L (13) on payment of a fee of Rs. 20.

(*c*) The licensee shall not sell champagne or port wine to any person except on the production of a prescription. The provisions of Rules 83, 84, 85, 86, 87, 89 and 90 shall as for as may be apply in respect of a lieense granted in form L (13).

93. Possession of Brandy rum champagne or port-wine etc.—(*a*) Any person may without a licence, permit or pass, buy, possess, transport, or consume or use;

(1) any medicine containing such quantity of brandy or rum as has been dispensed to him under a prescription; or

(2) any champagne or port wine sold to him on a prescription in accordance with the provision of this part;

(*b*) The purchase, possession and transport of medicine containing brandy or rum or of champagne or port wine by a person on behalf of an infirm or invalid person or any other person who is not physically fit shall be permitted without a license, permit or pass provided that (1) the infirm or invalid or physically unfit person is a person in whose name a prescription precribing medicine containing such brandy or rum or prescribing champagne or port wine has been issued; and (2) the name and address of the person purchasing, possessing or transporting are endorsed by the licensee on the original prescription as well as on the cash memo in form (A) referred to in sub-rule (f) of rule 86.

FORM L

(*See Rule* 5)

License No ....of 19 ....19.....

Ordinary trade and import license for the removal from the customs house and for the import and sell in wholesale of all liquors (potable) and not to be drunk on the premises.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder to.....

.....

.....

(hereinafter called "the licensee') on payment of a fee of Rs .....

.....

and a deposit of Rs.....

in advance authorising him to remove from the customs-house and import and sell by wholesale liquor at his premises situated at

.....

(hereinafter referred to as "the licensed premises") from .....

....to 31st day of March .....

(both days inclusive) subject to the following conditions :—

Conditions

(1) The licensee shall not sell liquor at any place other than licensed premises nor shall he stock liquor in any place except in the licensed premises or if specially permitted in writing by the Deputy Commissioner at the licensed ware-house if any which is situated at the place specified below. He shall keep separate accounts of stocks of liquor kept at the ware-house. A consolidated account of stocks of liquor at the licensed premises and the ware-house shall also be maintained by him. Stocks of liquor shall be transported from the ware-house to the licensed premises under permits issued by a Prohibition or other officer, duly authorised in this behalf. In no case shall the licensee sell liquor from such ware-house.

SITUATION OF WARE HOUSE :

(2) The licensee shall pay to Government in advance at the beginning of each quarter, commencing from the date of license, such cost of the staff, if any appointed at the licensed premises for the purpose of supervision as may be fixed by the Prohibition Commissioner from time to time.

(3) The expenses if any in respect of supervision for transporting liquor to the licensed premises shall also be paid by the licensee.

(4) The licensee shall sell liquors at prices not exceeding those that may be fixed from time to time by the Prohibition Commissioner.

(5) The licensee shall furnish such information in connection with his business under the license as may be required by the Prohibition Commissioner.

(6) The licensee shall comply with all orders and instructions issued to him by the Prohibition Officers.

(7) This license is valid only after the licensee executes the counterpart agreement as required by the rules.

(8) Except with the permission of the Deputy Commissioner the licensee shall not sell, transfer or sub-lease, his right of selling connection with the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

(9) The licensee shall affix to the front of his licensed premises a sign board bearing his name, the number of licensed premises and the location thereof.

(10) The licensee, his heirs, successors or assigns shall have no claim whatsoever to the continuance or renewal of the license after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignees of the licensee in case of a sale or transfer or the heirs of successors of the licensee, in case of death

to have the benefit of the license for the unexpired portion of the term for which it is granted.

Granted this.....day of .....

.....19.....

Deputy Commissioner,

Station. ..... Distlct.

Seal of the Deputy Commissioner.

FORM F. L. II

(See Rule 23)

Licence No. 19. 19.

Retailer's Licence for the Sale of Liquor.

Licence is hereby granted under and subject to the provi sions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder, to.....

.....

of .....

(hereinafter called "the Licensee") on payment of a fee of Rs.

.....

and deposit of Rs.....

in advance authorising him to sell liquor at his premises situated at .....

(hereinafter called "the Licensed premises") during the period from

.....

to 31st March 19 (both days inclusive) subject to the following conditions namely :—

Conditions.

(1) The licensee shall carry on the business of selling liquor at the licensed premises either personally or by agent or servant duly authorised by him in this behalf by a written nowkarnama signed by himself and countersigned by a Prohibition Officer; provided that any such nowkarnama signed by the licensee shall be valid unless and until such countersignature is refused. If for any reason the Deputy Commissioner shall order the withdrawal of any nowkarnama issued by the licensee, the nowkarnama will be withdrawn. For every nowkarnama issued by him and counter-signed, the licensee shall pay a fee of Re. 1. No nowkarnama shall be issued to any person under 18 years of age, and no such nowkarnama, if issued, shall be valid.

(2) The licensee shall if required by the Deputy Commissioner pay to the State Government in advance at the beginning of each quarter Commencing from the date of the licence, such cost of the

staff, if any appointed at the licensed premises for the purpose of supervision as may be fixed by the Prohibition Commissioner.

(3) Except with the permission of the Deputy Commissioner the licensee shall not sell, transfer or sub-leace, his right of selling liquor conferred upon him by the licensee, nor shall he in connection with the said right enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

(4) The licensee shall affix to the front of his licensed premises a sign board bearing his name, the name of the licensed premises and the location thereof.

(5) The licensee, his heirs, suceessors or assigns shall have no claim whatsoever to the continuance or renewal of the licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignees of the licensee in case of sale or transfer or the heirs or successors of the licensee in case of death to have the benefit of the licence for the unexpired portion of term for which it is granted.

(6) The licensee shall not sell liquor at any place other than the licensed premises nor shall he stock liquor in any place except in the licensed premises or if specifically permitted in writing by the Deputy Commissioner at the licensed warehouse which is situated at the place specified below. He shall keep separate accounts of stocks of liquor kept at the warehouse. A consolidated account of stocks of liquor at the licensed premises and the warehouse shall also be maintained by him. Stocks of liquor shall be transported from the ware-house to the licensed premises under permits issued by a Prohibition or other officer duly authorised in this behalf. In no case shall the licensee sell liquor from such warehouse.

Situation of Warehouse :—

(7) The expenses if any in respect of supervision for transporting liquor to the licensed premises shall be paid by the licensee.

(8) The licensee shall sell liquors at prices not exceeding those that may be fixed from time to time by the Prohibition Commissioner.

(9) The licensee shall furnish such information in connection with his business under the licence as may be required by the Prohibition Commissioner.

(10) The licensee shall comply with all orders and instructions issued to him by the Prohibition Officer.

(11) This license is valid only after the licence executes the counterpart agreement as required by rule 20 of the Mysore Prohibition (Liquor) Rules 1962.

(12) A licensee shall not sell any liquor except for cash.

(13) A licensee or his authorised agent or servant shall make out a cash memo in duplicate which shall be signed by the licensee or his authorised agent or servant.

(14) The original copy of the cash memo shall be handed over to the permit holder and the duplicate copy shall be retained by the licensee for his record.

(15) The cash memo shall clearly show.

(*a*) the name of the licencee, his licence number and the nature permit of held by him ;
(*b*) the name of the permit holder and the permit number and the nature of permit held by him ;
(*c*) the details regarding the brand and quantity of liquor sold ;
(*d*) the amount charged in respect of the sale of liquor to the permit holder.

(16) the duplicate copies of cash memo shall at all reasonable times be open to Inspection by a Prohibition Officer or other officer empowered under Section 101 of the Mysore Prohibition Act.

Granted this..... day of.....
.....19.....

Station :
Date :

Deputy Commissioner.
..... District.

Seal of the Deputy Commissioner.

FORM L. III

(See Rule 43).

No.....19.....19.....

Licence for the sale at a hotel of liquors on which excise duty has been paid.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder to.....
.....
of.....
(hereinafter called "the licensee") on payment of a fee of Rs.....
and a deposit of Rs.....
in advance, authorising him to sell the ollowing liquors during th period from.....
to 31st March 19..... (both days inclusive) at his hotel situated at.....
subject to the following conditions :—

Conditions.

(1) The licensee shall not sell liquor for consumtion on the licensed premises except in the Room no ..... assigned for that purpose. He shall not allow any drinking to continue in the said room out side the hours of sale. Any liquor remaining in the said room unconsumed during unauthorised hours of sale shall be destroyed.

(2) No liquor other than that sold by the licensee shall be allowed to be consumed in the said room.

(3) The licensee shall not sell liquor except to permit holders residing or boarding at the hotel.

(4) the licensee shall sell liquor at a price not exceeding that fixed by the Prohibition Commissioner from time to time.

(5) The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the Excise Staff, if any appointed at the hotel as may be fixed by the Prohibition Commissioner.

(6) (a) The licensee shall give immediate information to the nearest police officer of every person visiting his hotel whom he suspects to have committed an offence under the Act and of every act committed at the hotel tending to disturb the public peace.

(b) The licensee shall write in a bound book, paged and sealed with the Deputy Commissioner's seal, the name of every person, who comes to reside at the hotel with the dates of his arrival and departure. Such book shall always be open to inspection by an officer duly empowered under Section 101 of the prohibition Act. If any person whe comes to reside at the hotel refuses to give his name, information of the fact shall be given to the District Superintendent of Police.

(7) The licensee shall at all times keep the hotel and all appurtenances there to in clean and decent condition and the licensee shall comply with any directions issued by the Prohibition Commissioner in that behalf.

(8) The licensee shall furnish such information in connection with his business under the license as may be required by the Prohibition Commissioner or Deputy Commissioner from time to time.

(9) The licensee shall comply with all lawful orders and instructions issued to him by the Prohibition officers.

(10) This license may be suspended or cancelled in accordance with the provisions of Sections 45 and 47 of the Mysore Prohibition Act, 1961.

(11) This licence is valid only after the licensee executive the counterpart agreement as required by the rules.

(12) Except with the permission of the Deputy Commissioner he licensee shall not sell, transfer or sub-lease. The right of elling liquor conferred upon him by this licence, nor shall be in connection with the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

(13) The licensee shall affix to the front of his licensed premises a sign board bearing his name, the number of the licensed premises and the location thereof.

(14) The licensee, his heirs, successors or assigns shall have no claim what soever to the continuance or renewal of the license after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not, the assignee of the licensee in case of sale or transfer, or the heirs or successors of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

Granted this..... day of.....
19.....

Station.

Deputy Commissioner,
.....District.

Seal of the Deputy Commissioner.

FORM L.4.

(*See* Rule 46).

No..... ....19..... 19.....

Licence for the sale of Liquors at a Club.

Licence is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder to .....
..... Secretary of the
.....
club (hereinafter called " the licensee ") on payment of a fee of Rs.....
and a deposit of Rs.....
in advance authorising him to sell the following liquors during the period from.....
to 31st March, 19..... in.....
club situated at.....
(hereinafter called " the licensed premises ") subject to the following conditions namely :—

Conditions.

(1) Liquors permitted to be sold under this licence are as follows:—

(*a*) Wines.....
(*b*) Fermented liquors.....
(*c*) Spirits.....

(2) (*a*) The licensee shall not sell liquors to persons other than the members of the club who are holders of permits. He shall not make any sale of liquor to any such member unless the member has got a corresponding balance of units remaining unpurchased against his permit duriug the month of such sale to him.

(*b*) The licensee shall enter the details of sale of liquor to any member in the permit of any such member.

(*c*) The licensee shall maintain a register of members who hold permits and state therein their permit number and units sanctioned to them.

(*d*) The licensee shall in the said register enter the details of liquor sold to each member from day to day.

(3) The licensee shall not sell or serve liquor except between the hours of 10 A.M. and 11 P.M.

The Prohibition Commissioner shall have the right of restricting or varying the hours of sale of liquor as he may deem necessary and such alteration in the hours of sale shall not entitle the licensee to any compensation.

(4) (a) The licensee shall not sell liquor for consumption on the licensed premises except in Room No. assigned for that purpose. He shall not allow any drinking to continue in the said room outside the hours of sale. Any liquor remaining in the said room unconsumed during unauthorised hours of sale, shall be destroyed.

(b) The licensee shall not sell liquor to a member who is insane or known or believed to be intoxicated.

(5) No liquor other than that sold by the licensee shall be allowed to be consumed in the said room.

(6) (a) The licensee shall not receive as consideration or a part thereof for the sale of any liquor, any wearing apparel or ornaments or any other thing except coins, currency notes or cheques.

(b) The licensee or his agent or servant duly authorised in this behalf shall make out a cash memo in duplicate signed by himself or his agent or servant as the case may be and by the permit holder in respect of liquor sold to any member and shall give the first copy of the memo to such member and retain the duplicate with himself.

(c) The cash memo, shall clearly show the name of the club, the name of the member, his permit number, details regarding the brand and the quantity of liquor sold and the amount charged.

(d) The duplicate copies of the cash memos made out under clause (b) shall at all reasonable times be open to inspection by the Prohibition Commissioner, Deputy Commissioner, Prohibition Officer or any other Officer empowered under Section 101 of the Mysore Prohibition Act 1961.

(7) The licensee shall sell liquor at a price not exceeding that fixed by the Prohibition Commissioner from time to time.

(8) The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the excise staff, if any, appointed at the club as may be fixed by the Prohibition Commissioner.

(9) (a) The licensee shall give immediate information to the nearest police officer of every person visiting his club whom he suspects to have committed an offence under the Act and of every act committed at the club tending to disturb the public peace.

(b) The licensee shall write daily in a bound book, paged and sealed with the seal of the Deputy Commissioner, the name of every person who comes to reside at the club with the dates of arrival and departure. Such books shall always be open to inspection by any officer duly empowered under Section 101 of the Mysore Prohibition Act 1961.

(10) The licensee shall at all times keep the licensed premises and all appurtenances thereto in a clean and decent condition and the licensee shall comply with any direction issued by the Deputy Commissioner in that behalf. The licensee shall furnish such information in connection with his business under the licence as may be required by the Prohibition Commissioner from time to time.

(11) The licensee shall furnish such information in connection with his business under the licence as may be required by the Prohibition Commissioner from time to time.

(12) The licensee shall comply with all orders and instructions issued to him by the Prohibition Officers.

(13) It shall be entirely in the discretion of the Deputy Commissioner to renew or not to renew the licence at the expiration of the term for which it has been granted.

(14) (a) The licence may be suspended or cancelled in accordance with the provisions of Sections 45 and 47 of the Mysore Prohibition Act 1961.

(b) In case the licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiryr the licensee shall forthwith intimate the Deputy Commissione, of the quantity of the liquor in stock with him. On receipt of such information the Deputy Commissioner shall instruct the

Prohibition Officer or other Officer to verify the stock and seal up the premises. The stock will, however, be deemed to be in the custody of the ex licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees. The licensee will not, however, be allowed to receive fresh stock after his license expires, or is suspended or cancelled except the stocks for which the transport or import permits have been issued and which are in transit. The permission to sell the liquor to other licensees will be subject to the condition that all sums due to the Government will first be paid out of the sale proceeds. This licence is valid only after the licensee executes the counterpart agreement as required by the rules,

Granted this.....day ..... 19.....

Deputy Commissioner,

.....District.

Station.

Seal of the Deputy Commissioner.

*here specify the room or place assigned for sale, storage and consumption of liquor.

FORM L.A. (1)

Application for a permit

1	Name in full (surname in block Letters).	....
2	Residential address in full	.....
3	Nationality	.....
4	Place of Birth	.....
5	*Country of domicile	.....
6	No. of the passport and the authority which issued it.	.....
7	Age as on last birth day	.....
8	Occupation	.....
9	Monthly income	.....
10	Whether the applicant had applied for any permit in the past three years and if so, when and to whom	
11	Whether any member of the applicant's family has applied for liquor permits. If so, details thereof should be given	.....
12	No. of units of liquor required per month	.....
13	Date of arrival in India	.....
14	The period of intended residence in India	....

I hereby declare that :—

(a) I was born in/domiciled in.....
.....

(b) I am ordinarily using or consuming liquor ;

(c) I have been residing and intend to reside in India temporarily ;

(d) Liquor is generally being used or consumed in the country where I was born/domiciled ;

---

* (quote registration No. and office of registration if the applicant is registered under the Foreigners Registration Act).

(e) I do not hold any permit under Section 31, 32, 34 or 38 of Mysore Prohibition Act, 1961 nor have I made any other application for a permit under any of the above Sections except an application for an interim permit under Section 38.

(f) I have/have not been convicted on ..... at any time of an/any offence punishable under any provisions of the Mysore Prohibition Act, 1961 or rules, regulations, or orders issued thereunder or under the Prohibition Acts or rules of any other State in India. There is a/is no prosecution under Section/any provisions of the said act pending against me in the/ any court.

(g) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Mysore Prohibition Act, 1961, and the rules and regulations and orders made thereunder.

Date :

Place :

Signature of the Applicant

.....District.

Reverse of the application form L. A. (1)
(Not to be filled in by the applicant).

Action taken.

Received the application

Dated : .....

Called on : .....

Date of registration .....
Permit prepared on .....
Checked by .....
Permit ready for delivery on .....
.....
Received the permit No. .....
on ....

Seen on .....

Filed on .....

Signature of the applicant

Signature of the permit issuing authority.

FORM OF RECEIPT

Serial No.

Received from .....

Name in full .....

Address in full ....

An application for a temporary residents permit.

Signature of the Officer
receiving the application and date.

The applicant is requested to present this receipt personally on .....
.....

FORM L. 5

(*See* Rule 61 (c))

Temporary resident's permit No..... .....of .....19... 19

Temporary resident's permit to possess and use liquor for personal consumption.

Mr/Mrs/Miss..... .....
residing at.....
(hereinafter called the "permit holder") having paid a fee of Rs.....only, is hereby granted a permit subject to the provisions of the Mysore Prohibition Act 1961 and the rules and regulations and orders made thereunder authorising him/her to buy, possess, transport consume and use liquor within the State of Mysore during the period from.....
to.....
(both days inclusive) subject to the following conditions, namely :—

(1) The permit holder shall not use more than .... units of liquor during any month.

(2) The quantity that may be possessed under the permit at any one time shall not exceed..... units of liquor.

(3) The permit holder shall not obtain liquor required by him from any place other than a Government depot or license holder, except with the previous permission of the Prohibition Commissioner.

(4) No holder of a permit except the holder of an emergency permit shall drink in a public place or in any vehicle parked in a public place or in any room in a hotel or in any institution to which the public have access.

(5) The permit holder shall not allow the use or the consumption of any part of the quantity of liquor held by him/her under the permit to any other person who is not the holder of a permit to any other person who is not the holder of a permit under Sections 31, 34, 37 and 38 of the Act.

(6) This permit shall accompany the stock of liquor held thereunder to any place where it is removed from the permi holder's residence.

(7) The permit holder shall abide by the conditions of this permit and the provisions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder.

(8) The permit holder should not be drunk and or incapable of taking care of himself or found behaving in a disorderly manner under the influence of drunk in any street or throughfare or public place or in any place to which the public have or permitted to have access.

(9) The permit may be cancelled or suspended in accordance with the provisions of Sections 45 and 47 of the Mysore Prohibition Act 1961.

Seal of the Deputy Commissioner.

Date.....
Place .....

Deputy Commissioner,
..... District.

Speciman signature of the permit holder.....

(Reverse of the Temporary Resident's Permit)
Details of purchase of Liquor.

No. of units allowed per month.....

Date of Purchase	Quantity purchased		Fermented liquors	Total quantity in units, that is total of columns 2, 3, and 4	Signature and address of the licensed seller	Remarks
	Spirits	Wines				
1	2	3	4	5	6	7

FORM L. A. (2).

(*See* Rule 62 (A)

Application for a health permits to possess and use quor in the State of Mysore for personal consumption.

To

The Deputy Commissioner,

..... District.

(1) Name in full, Sri/Smt./Kumari (Surname first in Block letters).

(2) Residental address in full

(3) Nationality

(4) Religion

(5) Age as on last birth day

(6) Occupation

(7) Monthly income

(8) Quantity of liquor required to be taken everyday. .....

.....

(9) Quantity of liquor in bottles (litre) required in a month. .....

.....

(10) No. of years for which the applicant has been consuming liquor. .....

.....

(a) I hereby declare that I require liquor for the preservation or/ and maintenance of my health. In support of my request, I submit the following documents :—*

....

....

( ) I do not hold any permit under Sections 31, 34, 37 or 38 of the Act nor have I made any other application for a permit under any of the above Sections except under Section 38. I have/have not been convicted on .... t any time of an/any offence punishable under section..... ...../any provisions of Mysore Prohibition Act 1961.

There is a/is no prosecution under Sections..... ....any provisions of the said Act pending against me in the..... .... any court in Mysore State.

(c) The particulars given above are true and correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Mysore Prohibition Act 1961, and the rules and regulations and orders made thereunder.

Signature of the applicant.

Date

Place

(Reverse of the application form L. A. (2)

(for office use only)

Received the application

Date.....

Called on.....

Action taken :—

Date of registration

Permit prepared on

Checked by

Permit ready for delivery on

Received the permit No.....

on.....

Signature of the applicant

Signature of the permit issuing authority

Seen :

Filed :

---

* Here enclose certificates issued by personal Medical attendants, previous liquor permits, if any, obtained in the previous years etc.

FORM OF RECEIPT

Sl. No.....received from.....
an application for liquor health permit.

Date :

Signature of the Officer receiving
the application

The application is requested to present this receipt on.....

FORM 6

(*See* Rule 63 (d))

Health permit No. of.....19.....

Health permit to possess and use liquor for personal consumption.

Sri/Smt/Kumari.....
Residing at.....
(hereinafter called "the permit holder") having paid a fee o Rs.....is, (on the recommendation of the District/Divisional/State Medical Board) hereby granted a permit under and subject to the provisions of the Mysore Prohibition Act 1961, and rules, regulations and orders made there under authorising him/her to buy, possess, transport, consume and use liquor within the State of Mysore during the period from .....to 31st March 19.....(both days inclusive) subject to the following conditions:—

(1) The permit holder shall not during any month use or consume liquor exceeding ....., of units.

(2) The permit holder shall not possess at any one time during any month liquor exceeding the number of units permitted to be consumed in a month under condition (1) above.

(3) The permit holder shall obtain liquor required by him/her from a Government depot, or from the holder of a license. He/she shall not buy in any month liquor exceeding the number of units shown in condition (1).

(4) No holder of a permit except that of an emergency permit shall drink in a public place, in any vehicle parked in a public place or in any room in a hotel or in any institution to which the public have access.

(5) This permit shall accompany the stock of liquor held thereunder to any place where it is removed from the permit holder's residence.

(6) The permit holder shall comply with all orders and instructions issued to him/her by Prohibition officers.

(7) The permit holder shall abide by the conditions of this permit and the provisions of Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder.

(8) the permit holder shall not be drunk and or incapable of taking care of hi·ns· lf or f·und behaving in a disorderly manner under the influence of drunk in any street or throughfare or public place or in any place to which the public have or permitted to have acceess.

(9) The permit may be cancelled or suspended in accordance with the p:ovisions of Sections 45 and 47 of this Act.

Seal of the Deputy Commissioner.

Place.....

Date .....

Deputy Commissioner,
of .....District.

Speciman signature of
the permit holder.

(REVERSE OF FORM L. 6)

Details of purchase of liquor made by the permit holder.

1	2	3	4	5	6
Date	Quantity purchased in units (with full details).	Total purchased in the month including this purchase.	Balance of Units remaining in the current month.	Signature of the licensed seller.	Remarks

FORM L. A.( )

[*See* Rule 66 (a)]

Application for a permit to possess liquor for medicina use on emergent occasions.

To

The Deputy Commissioner,

.....District.

1. Name in full Sri/Smt/Kumari (Surname first in Block letters),
2. Residential address in full .....
3. Nationality .....
4. Religion .....
5. Age .....
6. Occupation .....
7. Monthly income .....
8. Kind of liquor required .....

(9) Whether the applicant is the head of household .....

I declare that (a) I usually keep .....for medicinal use (b) I have at present got stock of ..... as under :—

(*c*) Neither I nor any member of my household holds any emergency permit for the period applied for now nor have I orany member of my household has submitted an application for any such permit.

I have/had not been convicted on.....at any time of an/any offence punishable under Sections/any provisions of the Mysore Prohibition Act 1961.

There is a/is no prosecution under Sections/any provisions of said Act pending against me in the/any court in Mysore State.

(*d*) The particulars given above are correct.

I hereby undertake to abide by the conditions, of the permit and the provisions of the Mysore prohibition Act 1961 , and the rules, regulations, and orders, made thereunder.

Signature of the applicant.

Date

Place.

REVERSE OF FORM L. A. (3)

(for office use only)

Received the application
Date
Called on

Action taken :—
Date of registration
Permit prepared on
By
Checked by
Permit ready for delivery
on
Received permit No.....
.....
on.....

Signature of the applicant.

Signature of permit issuing authority.

Seen.

Filed.

FORM L. 7

[*See* Rule 66 (*b*)]

Emergency permit No ....19.....

Emergency permit to possess liquor for medicinal use on emergent occasions.

Sri/Smt./Kumari... ....

Residing at..... ... .

(hereinafter called "the permit holder") having paid a fee of Rs. .....

only is hereby granted a permit under and subject to the provisions of Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder authorising him her to buy, transport, possess, use or consume..... .....

(hereinafter called "the liquor") for medicinal use during the period from ..... to ..... at his/her premises situated at.....

and also at any other place within the State of Mysore, subject to the following conditions, namely:—

(1) (*a*) The permit holder shall not use or consume the liquor except for medicinal use on emergent occasions.

(*b*) The permit holder may use the liquor possessed under the permit for himself/herself and the members of his/her household;

Provided that the permit holder may allow the use or consumption of liquor held by him/her under this permit to any other person who requires the use thereof for medicinal purpose on emergent occasions:

Provided further that when the permit holder so allows the use or consumption of the liquor held by him/her under this permit to any other person he/she shall intimate the said fact in writing to the Officer-in-charge of the nearest Police Station within 24 hours of such use or consumption.

(2) (*a*) The quantity of liquor that may be possessed at any one time under this permit shall not exceed ....

.....

of the liquor.

(*b*) The permit holder may transport, possess, consume or use the liquor under this permit throughout the State of Mysore : Provided that the permit accompanies the stock of liquor held thereunder to any place to where it is removed from the permit holder's residence.

(3) The permit holder shall obtain the required liquor by him her from a Government depot or from a holder of a retailer's licence on presentation of this permit.

(4) The permit holder shall abide by the conditions of this permit and the provisions of the Mysore Prohibition Act, 1961 and rules, regulations and orders made thereunder.

(5) The permit may be cancelled or suspended in accordance with the provisions of Sections 45 and 46 of the Mysore Prohibition Act, 1961.

Deputy Commissioner
.....District.

Place :

Date :

Seal of the Deputy Commissioner.

Specimen signature of the permit holder.

(Reverse of FORM L. 7)

Details of purchase of Liquor.

Kind of liquor allowed.	Quantity allowed to be purchased within a period of 6 months.

Date	Quantity purchased	Address and signature of the seller.	Remarks.
1	2	3	4

FORM L. A. (4)

[(*See* Rule 67 (A)]

Application for a special permit for privileged personages to possess and use liquor for personal consumption.

To

(1) Name and address in full (surname first in Block letters). .....

(2) Whether the applicant is * :—

(*a*) A Sovereign or Head of a Foreign State :

(*b*) An Ambassador or a Diplomatic Envoy of a Foreign State ; or

(*c*) A Consul, Honorary Consul or Trade, Commerce or other representative of a Foreign State ; or

(*d*) A member of the staff appointed by or serving under any person specified in clause ( ), *b*) or (*c*) and whether such member is national of a Foreign State or an Indian National ; (please state the official designation of the applicant and the name of the Foreign State in each case, that is (*a*), (*b*), (*c*) or (*d*): or

(*e*) The Consort of any person specified in clause (*a*) to (*d*) above ; (please state the name and official designation of such person) ; or

(*f*) Any relation of any person specified in clauses (*a*) to (*d*) dependent upon him ; and if so, the relationship and with whom (please state the name and official designation of such person)

(3) Nationality .....

(4) Religion .....

(5) Age as on last birth day .....

(6) Permanent address .....

(7) Maximum number of Units of liquor desired to be possessed at a time.

(8) Period for which the permit is required. .....

---

*Please strike off the unrequired items or words

I hereby declare to abide by the conditions of the permit and the provisions of Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder.

Signature of the applicant or that of his representative and his designation.

Date:

Place:

Reverse of the application form L. A. (4)

Received the application on .....

Permit to be ready on .....

Permit prepared by .....

.....on.....

Permit checked by .....on.....

Received permit No. .....on.....

Signature of the applicant.

Seen

Filed

Signature of the permit issuing authority.

FORM OF RECEIPT

Serial No.

Received From .....

of.....

an application for Special Permit for privileged personages.

The permit if sanctioned is expected to be ready on .... when it may be obtained from this office on presentation of this receipt.

Date.....

Place..... .....

Signature and designation.

FORM L. 8

[*See* Rule 67 (B)]

Special permit for privileged personages to possess and use liquor for personal consumption.

Mr./Mrs./Miss.....
permanently residing at.....
(hereinafter called "the permit holder") who is a.....
.....of.....State, having
his office/official residence.....
at.....
(hereinafter called "the said residence") is hereby granted a permit under and subject to the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder, and authorising him/her to buy, possess, transport, use and consume liquor within the State of Mysore, during the period from.....
to..... subject to the following conditions, namely :—

(1)* The permit holder shall not use or consume liquor exceeding..... units during any month :

Provided that where the permit holder has not used or consumed the full quantity of liquor which is permitted to be used or consumed during any month, he may use or consume such unused or unconsumed quantity of liquor in any succeeding period during the currency of the permit ; but the total quantity of liquor used or consumed in any month should not exceed two months quota of the permit holder.

(2)* The permit holder shall not possess at any time, liquor in a quantity exceeding..... units.

Provided *The permit holder may obtain and possess at any time, liquor not exceeding the limit specified in condition (1) above.

(3) (*a*) No holder of a permit except that of an emergency permit shall drink in a public place or in any vehicle parked in a public place or in any room in a hotel or in any institution to which the public have access.

(*b*) The permit holder should not be drunk and or incapable of taking care of himself or found behaving in a disorderly manner under the influence of drunk in any street or thoroughfare or public place or in any place to which the public have or permitted to have access.

(4) The permit holder shall not allow the use or consumption of any part of the liquor held by him under the permit to any other person, who is not the holder of a permit under Sections 31, 34, 37 and 38 of the Act.

(5) The quantity of liquor obtained by the permit holder from time to time shall duly be entered in the permit by him or by the liquor licensee concerned.

(6) This permit shall accompany the stock of liquor held thereunder to any place where it is removed from the permit holder's official residence.

(7) The permit may be cancelled or suspensed in accordance with the provisions of Section 45 of the Mysore Prohibition Act, 1961.

(8) If this permit is not renewed on its expiry or is suspended or cancelled during its currency, the permit holder shall surrender forthwith the whole of the unused liquor to the Prohibition Commissioner, who shall dispose of the same in such manner as he deem fit.

Granted this.....day.....19.....
at..... ....

Seal of the licence issuing
authority.

Signature of the licence
issuing authority.

*These conditions may be struck off where they are not applicable.

REVERSE OF THE PERMIT IN FORM L. 8

Details of the receipt of liquor by the permit holder.

Quantity permitted for use or consumption during a month is as ollo ws : —

f

1. Spirits.....units.
2. Wines..... .....units.
3. Fermented liquors containing alcohol exceeding 2% by valume.....units.
4. Fermented liquors containing alcohol below 2% by volume.....units.

Quan·ities possessed n the d·te o' the per·i it (in uLit·)	Quantity obt iu·d by the p··mit ho·· er's s ock in cus·oms bo·d (in un·ts)	Quan i·y ob a·ned from the stock of a trad· and import or any oth r lio·nsee (i·u its)	Tra·sport permi No. and date, if a·y	Signature of the permit holder or the licensee
1	2	3	4	5	6

FORM L.A. (6)

(*See* Rule 69 (d))

Application for an interim permit to possess liquer for personal co sumption.

The Deputy Commissioner,

.....District.

1	Name in full (surname first in Block letters)	....
2	Permanent address	.....
3	Temporary address in the State of Mysore if the applicant is not a permanent resident in the state of Mysore	
4	Period of stay in the state of Mysore if temporary	
5	Nationality	....
6	Place of birth	....
7	Country of domicile	.....
8	No. of passport and the authority which issued it if the applicant is not a permanent resident in the State of Mysore	.....
9	Date of arrival in India if the applicant is a temporary resident or is a person falling under Section 31 of the Act	
10	Period of residence or intended residence in India if the applicant is a temporary resident or a person falling under Section 31 of the Act	
11	Purpose of his visit to India if the applicant is a temporary resident or a person falling under Section 31 of the Act	.....
12	Age as on last birth day	.....
13	Occupation	.....
14	Religion	.....

15 No. of units of liquor required per month .....

16 The kind of permit the applicant has applied for or is applying for, that is to say whether a health permit, a temporary residents permit, or a special permit for privileged personages

17 Period for which the interim permit is required

I hereby declare that:—

I (a) I require liquor for the preservation or/and maintainance of my health;

(b) I am a temorary resident;

(c) I am eligible for a permit under Section 34 of the Mysore Prohibition Act;

II I am ordinarily usiug and consuming liquor;

III Liquor is gererally being used or consumed in the country where I was born or demiciled;

IV I do not hold any permit under Sections 31, 32. 34,37 and 38 nor have I made any other application for an interim permit;

V The particulars given abcve are correct;

I hereby undertake to abide by the conditions of the permit and provisions of Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder.

Signature of the applicant.

Date:

Place.

---

* Strike off clauses not applicable.

Reverse of Form L.A. (6)

for office use only.

Date of application

Registration No.

Permit prepared by.....and issued on.....

Received the permit No.....on.....

Signature of the applicant.

FORM L. 10.

(See Rule 69 (c)).

Interim permit No.....

Interim permit to possess and use liquor for personal consumption.

Sri/Smt/Kumari.....
of,.....
(hereinafter called "the permit holder") having paid a fee of Rs.....
is hereby granted a permit under and subject to the provisions of Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder authorising him/her to buy, p ssess, use, transport and consume liquor within the State of Mysore, during the period from .....to..... (both days inclusive) subject to the following conditions, namely :—

(1) The permit holder shall not use more than..... units of liquor during any one month.

(2) The quantity that may be possessed under a permit shall not exceed ..... .units of liquor at any one time.

(3) The permit holder shall not obtain any liquor required by him from any place other than Government depot, or license or licensed hotel or club or a shop holding a retailer's license except with the previous permission of the Prohibition Commissioner. He shall not buy more than..... ..... units of liquor in any one month.

(4) No holder of a permit except that of an emergency permit shall drink in a public place or in any vehicle parked, in a public place or in any room in a hotel or in any institution to which the public have access.

(5) This permit shall accompany the stock of liquor held thereunder to any place where it is removed.

(6) The permit holder should not be drunk and or incapable of taking care of himself of found behaving in a disorderly manner under the influence of drink in any street or throughfare or Public place or in any place to which the public have or permitted to have access.

(7) The permit may be suspended or cancelled in accordance with the provisions of Sections 45 and 46 of the Act.

Signature and designation of the
Officer issuing permit.

Place

Date

Seal of the Officer issuing permit.

Specimen signature of the permit holder.

REVERSE OF THE FORM L. 10.

(Details of purchases of liquor made by the permit holder)
Units of liquor allowed per month.

No. and date	quantity purchased in units with details.	Progressive total for the month in units.	Address and the signature of the seller	Remarks.
1.	2.	3.	4.	5.

FORM L. A. (8)

[See Rule 59 (a)]

Application for a tourist's permit to possess and use liquor for personal consumption.

To

The Deputy Commissioner,

.....Districts.

(1) Name in full (surname first in Block letters)

(2) Permanent address

(3) Temporary address in the State of Mysore

(4) Period of Temporary stay-
(a) in the State of Mysore.
(b) in India.

(5) (a) Country of domicile
(b) Place of Birth

(6) No. and date of passport or Tourist Introduction Card, or Tourist Visa and the authority which issued it.

(7) Age as on last birth day

(8) Number of units of liquor required per week.

I hereby declare that:—

(a) I am a Tourist and I have not been residing in India nor do I intend to reside in India, permanently. I have a settled purpose of making my sole and permanent home outside India.

(b) I am ordinarily using and consuming liquor.

(c) Liquor is generally being used or consumed in the country where I was born and where I am domiciled.

(d) I do not hold any permit under the Mysore Prohibition Act 1961 for the possession, use and consumption of liquor in the State of Mysore nor have I made any other application for such permit.

(e) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of Mysore Prohibition Act, 1961, and the rules, regulations, and orders made thereunder.

I request that I may be granted the Tourist's permit, for..... .....days beginning from.....day.

Signature of the applicant.

Date .....

Place.....

.....

Reverse of Form L. A. (8)

(for office use only)

Date of application.....

Registration No.....

Permit prepared by.....and issued on.....

Received the permit No.....on.....

Signature of the applicant.

.....

FORM L. 10 (a)

[*See Rule* 68 (b)]

Tourist permit No..... ...

Tourist permit to possess and use liquor for personal consumption.

Mr/Mrs/Miss .....
(hereinafter called "the permit holder") residing permanently at
.....
and temporarily at.....
is hereby granted a permit under and subject to the provisions of Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder, authorising him/her to buy, possess, transport, use and consume liquor within the State of Mysore during the period from .....to.....
(both days inclusive) subject to the following conditions, namely :—

(1) The permit holder shall not use liquor except for personal consumption.

(2) The quantity of liquor possessed at any one time shall not exceed four units.

(3) Except as permitted by the Prohibition Commissioner the permit holder shall not obtain liquor from any other place other than a Government depot or from the holder of a license issued under the Act.

(4) No holder of a permit except that of any emergency permit shall drink in a public place or in any vehicle parked in a public place, or in any room in a hotel or in any institution to which the public have access.

(5) This permit shall accompany the stock of liquor to any place to where it is removed from the permit holder's residence.

(6) The permit holder should not be drunk and or incapable of taking care of himself or found behaving in a disorderly manner under the influence of drink in any street or thoroughfare or public place or in any place to which the public have or permitted to have access.

(7) The permit holder shall abide by the conditions of this permit and the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder.

(8) The permit may be cancelled or suspended in accordance with the provisions of Sections 45 and 46 of the Act.

Signature of the issuing authority and designation.

Place :

Date :

Seal of the Officer issuing the permit.

Specimen Signature of the permit holder.

REVERSE OF FORM L. 10 (a)

Details of purchase of liquor

No. and date	Quantity allowed under permit (in units)	Quantity obtained (in units)	Progressive total (in units)	Signature of the seller	Remarks
1	2	3	4	5	6

FORM L. A. (7)

(*See* Rule 70).

Application for a license to possess and use brandy and rum by Industrial, Educations, Scientific, Research or such other institution or by a pilot of an aircraft or by a person in charge of an Ambulance or a First Aid Station for rendering First-Aid or for medicinal purpose in an emergency.

To

The Deputy Commissioner,
District.

(1) Name, Designation and address of the applicant in full (Surname first in Block letter).

(2) Name and address of the institution.

or

No. of the ambulance and the name and address of the institution to which it belongs.

or

Name and address of the First Aid Station.

or

Name and No. of the Aircraft. .....

(3) Age as on last birth day. .....

(4) Occupation. .....

(5) Quantity of brandy and rum, required during a month. .....

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder and the conditions of the license.

Signature of the applicant.

Date :

Place :

FORM L. 11.

(*See* Rule 71).

License No.....

License for the possession and use of brandy and rum by Industrial, Educational, Scientific, Research or such other Institution or by a Pilot of an Aircraft or by a person in charge of an Ambulance or a First-Aid Station, for rendering First-Aid or for medicinal propose in an emergency.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder to Sri/Smt./Kumari ..... of ..... (hereinafter called "the licensee") on payment of a license fee of Rs.

authorising him/her to purchase, transport, possess and use Brandy and Rum for rendering first aid or for medicinal purpose in an emergency during the period from..... ..... to.....at ..... (hereinafter called "the licensed premises" or at any other place within the State of Mysore where the ambulance/aircraft, in charge of the licensee may proceed, subject to the following conditions, namely :—

(1) (a) The licensee shall not keep in his her possession any quantity exceeding .....each of brandy and rum, at any one time.

(b) The licensee shall not purchase more than ....litres each of brandy and rum, during any calendar month.

(2) The licensee shall maintain a Register of use of brandy and rum as required by rule 76 of the Mysore Prohibition (liquor) Rules, 1962.

(3) The licensee may transport, possess and use brandy or rum, obtained under this license, throughout the State of Mysore; Provided that the quantity to be transported, possessed or used does not exceed the limit specified in condition 1 (a) and the license is produced for inspection on demand by an Officer empowered under the Mysore Prohibition Act, 1961.

(4) This license shall accompany the stock of brandy and rum to any place where it is removed.

(5) The licensee shall have no claim whatsoever to the continuance or renewal of this license after the expiry of the period for which it is granted.

(6) This license may be suspended or cancelled in accordance with the provisions of Sections 45 and 46 of the Act,

(7) In case this license is suspended or cancelled during the currency of the license period or is not renewed on its expiry, the licensee shall forthwith surrender to the Deputy Commissioner the whole stock of unused brandy and rum remaining in balance with him on the date of such suspension, cancellation or expiration. The stock of liquor so surrendered, shall be disposed off in accordance with the provisions of rule 77 of Mysore Prohibition (Liquor) Rules, 1962.

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

Deputy Commissioner.
District,

Place :
Date :

Seal of the Office of the Deputy Commissioner,

FORM L. 12.

[See Rule 82(a)]

License No. .... of 19.....19.....

License for dispensing of brandy and rum, as one of the ingredients of any medicine on prescription.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder to.....of..... ..... (hereinafter called "the licensee") on payment of a license fee of Rs..... authorising him to dispense brandy or rum as one of the ingredients of medicine at his shop/ dispensary situated at..... (hereinafter called "the licensed premises") during the period from ..... to .....on the following conditions namly :

CONDITIONS.

(1) (a) The licensee shall not keep in his possession any quantity exceeding.....of brandy and rum each at any one time.

(b) The licensee shall not purchase more than..... litres of brandy and rum each during any calendar month.

(2) The licensee shall not keep or dispense brandy or rum at any place other than the licensed premises. If the licensee is a Registered Medical Practitioner, he shall not prescribe or dispose brandy or rum except as one of the ingredients of medicine.

(3) The licensee shall not keep in the licensed premises any intoxicants which he is not authorised to dispense under this license or any other license granted under any law for the time being in force.

(4) The licensee shall keep affixed to the licensed premises a sign board showing the name of the licensed premises.

(5) The liceensee shall display the license at a conspicuous place in the licensed premises.

(6) The licensee, his heirs, legal representatives or assigns shall have no claim whatsoever to the continuance or renewal of this license after the expiry of the period for which it is granted.- It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignees of the licensee in case of sale of transfer, or the heir or legal representatives of the licensee in case of death to have the benefit of the licensee for the unexpired portion of the term for which it is granted.

(7) This license may be suspended or cancelled in accordance with the provisions of Sections 45 and 46 of the Mysore Prohibition Act, 1961.

(8) In case this license is suspended or cancelled during the currency of the license period or is not renewed on its expiry, the licensee shall forthwith surrender to the Deputy Commissioner the whole stock of unsold brandy and rum remaining in balance with him on the date of such suspension, cancellation or expiration. The stock of liquor so surrendered shall be sold by the Deputy Commissioner in accordance with rule 89 of the Mysore Prohibition (Liquor) Rules, 1962:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

Deputy Commissioner
of District.

Place

Date

Seal of the Deputy Commissioner.

FORM A

[*See* Rule 86 (f)]

Cash Memo:—

No.....

1. Name and address of the licensee .....
2. No. of license in form L. 12.....
3. Name and address of the person to whom prescribed.....
4. Name and address of the Registered Medical Practitioner by whom prescribed.....
5. Name and address of the person to whom delivered..... ....
6. Prescription No. and date.....
7. The kind and quantity of liquor prescribed.....
8. Amount received.....

Signature of the licensee or
his authorised agent or servant.

FORM L. 13.

[See Rule 92 (b)]

Licence for the sale of champagne and port-wine on prescription.

Licence is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called "the licensee") on payment of a licence fee of Rs..... authorising him to sell champagne and port-wine on prescription at his premises situated at..... (hereinafter called "the licensed premises") during the period from ..... to ..... on the following conditions, namely:—

CONDITIONS.

(1) The licensee shall not sell champagne or port-wine at any place other than the licensed premises.

(2) The licensee, his heirs, legal representatives or assigns shall have no claim whatsoever to the continuance or renewal of this licence after the expiry the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignee of the licensee in case of sale or transfer, or the legal representatives of the licensee in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

(3) This licence may be suspended or cancelled in accordance with the provisions of Sections 45 and 46 of the Act.

(4) In case this licence is suspended or cancelled during the currency of the licensed period or is not renewed on its expiry the licensee shall forthwith surrender to the Deputy Commissioner the whole stock of unsold champagne and port-wine remaining in balance with him on the date of such suspension, cancellation or expiration The stock of liquor so surrendered shall be sold by the Deputy Commissioner and the proceeds of the sale shall after deducting expenses and any sum due to the Government be returned to the

REGISTER OF SALE

(See Rule 87(a))

Register maintained by a licensee not being a registered medical practitioner showing full names and addresses of registered medical practitioners whose prescriptions prescribing brandy or rum are dispensed by the licensee and of persons in whose names such prescriptions were issued.

License No..... Name of licensee .....

No.	Date	Presoription	Name of registered medical practitioners whose prescrip tions preroribing brandy or rum are di pensed by the licensee.		Name of persons in whose names pres-criptions referred to in column 3 were issued.		Quanti'y dispensed on prescription		Cash Memo No.
			Full Name	Addreas	Regi-tration No.	Full Name	Addreas	Brandy	Rum	
1	2		3				4	5	6	

REGISTER OF SALE

[*See* Rule 87 (b)]

Register maintained by a licensee being a Registered Medical Practitioner showing full names and addresses of persons in whose names prescriptions prescribing brandy or rum are issued.

License No..... .....Name of the licensee.....

No.	Date	Prescription						
		Full Name	Address	Brandy	Rum	Full name	Address	Registration No.
1	2	3		4		5		6

Names of persons in whose names prescriptions one brandy or rum are issued.

Quantity on dispensed prescription

Names of registered medical practitioners on whose prescriptions brandy or rum is dispensed.

REGISTER OF DAY-TO-DAY ACCOUNT.

[*See* Rule 97 (*c*)]

Register of day-to-day accounts showing the quantity of Brandy or Rum dispensed and the balance held in stock by the licensee.

Licence No..... Name of the Licensee.....

Date	Opening balance	Quantity received		Total	Quantity dispensed on reception	Closing balance	Initials of the licensee	Remarks
	Brandy Rum	Consignment from which received	Brandy Rum	Brandy Rum	Brandy Rum	Brandy Rum		
1	2	3		4	5	6	7	

FORM

[*See* Rule 92 (*e*)]

Register showing full names and addresses of registered medical practitioners on whose prescription champagne and port-wine were sold by the licensee and of the persons to whom they were so sold.

Licence No..... Name of the Licensee.....

Date	Prescription No.	Names of registered medical practitioners on whose prescription champagne or port-wine is sold by licensee			Names of persons to whom champagne or port-wine is sold on prescription		Quantity prescribed and sold		Total Quantity sold on prescriptions during the day		Whether the total quantity has been entered in the stock register of the licensee and if so at what page	Initials of the licensee	Remarks
		Full name	Address	Registration No.	Full name	Address	Champagne	Port-wine	Champagne	Port wine			
1	2	3			4		5	6	7		8	9	10

FORM

[*See* Rule 92 (*c*)]

Register of day-to-day accounts showing the quantity of champagne and part-wines old on prescription and the balance held in stock.

Licence No. ..... Name of the licensee.....

Date	Opening balance		Quantity received during the day		No. of transport permits under which quantities shown in column 3 is received	Total total of columns 2 and 3		Quantity sold on prescription		Closing balance (column 4 minus column 6		Initials of the licensee	Remarks
	Champagne	Port-wine	Champagne	Port-wine		Champagne	Port-wine	Champagne	Port-wine	Champagne	Port wine		
1	2		3		4	5		6		7		8	9

[No. HD 59 EFL 62.]

By Order and in the name of the Governer of Mysore,
M. S. SHANKARA RAO, *Secretary.*

Chief Secretariat.

NOTIFICATION.

Bangalore, dated the 4th May 1965.

G.S.R. 522.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following further amendment to the Mysore Government Servants' (Probation) Rules, 1957, namely :—

In the said Rules, after rule 11, the following rule shall added, namely :—

"12. Notwithstanding anything contained in the preceding rules, where the validity of the appointment of any person as probationer is questioned in any legal proceeding before a Court of law, the period of probation of such person shall continue until the final disposal of such proceeding, and pending such disposal the appointing authority may, if it is satisfied that the Probationer has satisfactorily completed the prescribed or extended period of probation, direct that the Probationer shall be entitled to draw increments in the scale of pay of the post held by such Probationer from such date as may be specified in such direction, and increments shall, subject to other provisions governing the drawal of increments applicable to Government servants generally, be drawn by such Probationer accordingly".

[No. GAD 50 SRR 64]

By Order and in the name of the Governor of Mysore,

C. R. Seshadri, *Dy.*

FORM

[*See* Rule 92 (*c*)]

Register of day-to-day accounts showing the quantity of champagne and part-wines old on prescription and the balance held in stock.

Licence No..... Name of the licensee.....

Date	Opening balance		Quantity received during the day		No. of transport permits under which quantities mentioned in column 3 were received	Total total of columns 2 and 3		Quantity sold on prescription		Closing balance (columns 4 minus columns 6)		Initials of the licensee
	Champagne	Port-wine	Champagne	Port-wine		Champagne	Port-wine	Champagne	Port-wine	Champagne	Port-wine	
1	2		3		4	5		6		7		8	9

[No. HD 59 EFL 62.]

By Order and in the name of the Governer of Mysore,
M. S. SHANKARA RAO, *Secretary.*

licensee: Provided that the surrendered stock shall not be sold for a price less than 75 per cent of the price fixed by the Prohibition Commissioner under rule 31 of the Mysore Prohibition (Liquor) Rules, 1962, if the liquor is in sealed bottles, and not less than 50 per cent of prices of such liquor if the liquor is loose; provided further that the unconsumed stock is in the opinion of Deputy Commissioner fit for human consumption and unadulterated:

Provided further that if there is no demand for such liquor or if it is found to be unfit for human consumption or adulterated the Deputy Commissioner may order its destruction.

Deputy Commissioner
of ..... District.

Place
Date

Seal of the Deputy Commissioner.

FORM B

(Rule 91)

Prescription of a Registered Medical Practitioner for champagne and port-wine.

(1) Prescription number and date

(2) Name and address of the registered Medical practitioner and his registration number

(3) Name and address of the person in whose favour the prescription is issued

(4) Nature of illness or pain necessitating the use of champagne or port-wine and the period of such illness or pain

(5) Quantity recommended for use per day

(6) Period for which such use is necessary

.....

Signature of the Registered
Medical Practitioner.

Note :—The maximum quantity of champagne or port-wine permitted for purchase, possession, consumption or use shall not exceed 1½ litres in the aggregate during any one month.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 27th May 1965.

G. S. R. 530.—The following draft of the Mysore Municipalities Taxation Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Sections 94 and 323 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), is hereby published as required by sub-section (1) of Section 323 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 5th July 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT

MYSORE MUNICIPALITIES TAXATION RULES, 1965.

CHAPTER I.

PRELIMINARY.

1. Title.—These Rules may be called the Mysore Municipalities Taxation Rules, 1965.

2. Definition.—In these rules,—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'form' means a form appended to these rules;

(*c*) 'schedule' means a schedule to the Act;

(*d*) 'section' means a section of the Act.

CHAPTER II.

GENERAL RULES AND PROCEDURE.

3. Payment of Tax.—(1) Every person who is liable to pay any of the taxes or fees shall pay the same (except as otherwise provided) at the Head Office of the Municipal Council;

(2) The tax or fee shall be recovered by the Municipal Commissioner or Chief Officer or any person duly authorised by him in this behalf.

4. Remission or refund of taxes in respect of buildings demolished or destroyed.—(1) Remission or refund of taxes under clause (*c*) of sub-section (2) of Section 115 shall not ordinarily be granted unless notice in writing of the occurrence of fire or other event in respect of which the remission is claimed has been given to the Municipal o cil within 30 days of the rence of the event on

the basis on which remission or refund is claimed, containing the following particulars, namely :—

(*a*) petitioner's name and the particulars regarding municipal number, tenements, or parts of building or land demolished or destroyed by fire or otherwise deprived of value ;

(*b*) date of occurrence of fire or other event on account of which remission or refund is claimed and the period for which the same is claimed ;

(*c*) the tax or cess leviable in each year.

5. Claims for refund when not entertainable and the period within which it should be made.—Save as otherwise provided in these rules no claim for refund of any sum paid on account of any tax or other fees shall be entertained unless application in Form I therefor is made in writing within ninety days after the expiry of the year to which the claim relates.

6. Payment of refund when not to be made.—No sum shall be refunded unless the person entitled to it applies for payment within three months of delivery to him of notice of the refund having been duly authorised. In such notice the period within which the refund must be demanded shall be stated.

7. Validity of the notice.—No notice shall be deemed to be validly given under Section 111 unless all the taxes due on the land or building on the date of the notice in respect of such land or building to which it relates have been paid in full.

8. Entry in assessment list of sub-division.—Where any land or building is sub-divided, on application being made to the Municipal Commissioner or Chief Officer intimating such sub-division, such officer shall, unless he sees any objection to the same, cause each sub-divided land or building to be entered in the municipal registers if it were separate land or building.

9. Preparation and issue of bills.—All bills under sub-section (1) of Section 142 shall be prepared from the assessment list and from the information obtained by process in accordance with bye laws and shall be issued under the signature of the Municipal Commissioner or Chief Officer or other Officer authorised in this behalf by the Municipal Commissioner or Chief Officer.

10. Suspension of process for recovery on receipt of notice of vacancy.—When a notice of vacancy has been received under Section 115 process for recovery of the dues of the current year or instalment period, may be suspended till final orders are passed on the notice.

11. Owner to give notice of re-occupation.—When a notice of vacancy is given under sub-section (1) of Section 115, the person giving such notice shall also give notice in writing within fifteen days, to the Municipal Commissioner or the Chief Officer as the case may be, of the date of subsequent re-occupation failing which no remission or refund of tax or cess may be granted if it be found that the building or land has been re-occupied during the year or instalment period.

12. Notice fees.—For every notice of demand issued under sub-section (3) of Section 142 fees shall be levied at the following rates, namely :—

Amount of demand.	*Fees.*
If the sum is less than rupees five	Ten paise.
If the sum is equal to or in excess of rupees five but less than rupees ten	Twenty paise.
If the sum is equal to or in excess of rupees ten but less than rupees fifty	Fifty paise.
If the sum is equal to or in excess of rupees fifty but less than rupees hundred.	Seventy-five paise.
the sum is equal to or in excess of rupees hundred	One rupee.

13. Warrant fees.—For every distraint made under sub-section (5) of Section 143, fees shall be levied at the following rates, namely :—

Amount distrained for	*Fees*
If the amount is less than rupee one	Twenty-five paise.
If the amount is equal to or in excess of rupee one but less than rupees five	Fifty paise.
If the amount is equal to or in excess of rupees five but less than rupees ten	One rupee.
If the amount is equal to or in excess of rupees ten but less than rupees fifteen	One rupee and fifty paise.
If the amount is equal to or in excess of rupees fifteen but less than rupees twenty	Two rupees.
If the amount is equal to or in excess of rupees twenty but less than rupees twenty-five	Two rupees and fifty paise.
If the amount is equal to or in excess of rupees twenty-five but less than rupees thirty ..	Three rupees.
If the amount is equal to or in excess of rupees thirty but less than thirty-five	Three rupees and fifty paise.
If the amount is equal to or in excess of rupees thirty-five but less than rupees forty	Four rupees.
If the amount is equal to or in excess of rupees forty but less than rupees forty five	Four rupees and fifty paise.
If the amount is equal to or in excess of rupees forty-five but less than rupees fifty	Five rupees.
If the amount is equal to or in excess of rupees fifty but less than rupees sixty	Six rupees and fifty paise.
If the amount is equal to or in excess of rupees sixty but less than rupees eighty	Seven rupees and fifty paise.
If the amount is equal to or in excess of rupees eighty but less than rupees hundred	Nine rupees.
If the amount is equal to or in excess of rupees hundred	Ten rupees.

Where servants are kept in charge of property distrained, an additional fee of one rupee per servant per day shall be levied.

14. Fee for maintenance of livestock distrained.—ees for maintaining live-stock distrained der sub-

section (5) of Section 143 shall be levied at the following rates, namely :—

Sl. No.	*Description of livestock*	*Cost for the supply of fodder and for watering for each head of livestock per day or fraction of a day*
1	2	3
1	Elephant	Three rupees.
2	Camel	Two rupees.
3	Buffalo	One rupee.
4	Buffalo calf	Fifty paise.
5	Bull or bullock or cow	One rupee.
6	Heifer or calf	Fifty paise.
7	Sheep or goat	Twenty-five paise.
8	Kid	One rupee.
9	Horse	One rupee.
10	Fowl	Twenty-five paise.
11	Ass or donkey (either young or grown).	Fifty paise.
12	Pig	Fifty paise.
13	Bird of all kinds	Twenty-five paise :

Provided that no fee shall be charged where the owner of any such livestock pays the full amount of the Municipal dues and receives back such livestock within three hours from the time of their seizure.

15. Persons authorised to receive payment of Municipal funds and taxes.—Save where the collection of any toll or fee is farmed out, the Municipal Commissioner or Chief Officer or any other Officer or employee duly authorised by him shall receive all taxes, charges, fees or other amounts paid to the Municipal Council.

16. Time and mode of recovery.—The following taxes eviable under Section 94 shall be leviable in two equal

instalments in advance in the months of April and October respectively, every year :—

(1) Tax on buildings or lands or both situated within the municipality ;

(2) Tax on vehicles (other than motor vehicles) ;

(3) Tax on dogs ;

(4) Special sanitary cess ;

(5) General sanitary cess ;

(6) Water rate ;

(7) Lighting tax ;

17. Levy of interest on arrears of municipal taxes.— Interest at six per cent per annum shall be leviable on arrears of municipal taxes.

CHAPTER III.

Taxes on Buildings or Lands or both situated within the Municipality.

18. Mode of levy.—The tax imposed on buildings or lands or both situated within a municipality shall be levied in two instalments in advance in the months of April and October respectively of every year.

19. One bill to be issued for one property.—All sums due for each year for all or any of the taxes by any one person on account of one and the same land or building shall be charged to such person ordinarily, and shall be recoverable from him in lump :

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value or imposition of any of the taxes not imposed before on the said land or building.

20. One or several bills, for several lands or buildings owned by one person.—If any person is liable for all or any of the said taxes on account of more than one land or building it shall be competent to the Municipal Commissioner or Chief Officer, to charge such person in one or several bills as he shall think fit the several sums payable by him on account of such lands or buildings.

21. Demand and collection register.—The Municipal Commissioner or Chief Officer shall maintain a register showing the demand, collection, adjustments, arrears, excess recoveries relating to tax on lands or buildings or both.

22. Inspection by Municipal staff of vacant premises.—(1) The Municipal Commissioner or Chief Officer may require any person claiming refund or remission of any tax under Section 115 to arrange for the inspection of such land or building for the purpose of verification of such vacancy and every such person shall comply with such requisition.

(2) If such person fails to arrange fo such inspection, the Municipal Commissioner or Chief Officer may refuse to treat the land or buildings, as the case may be, as vacant till the day of such inspection and verification.

23. Procedure to be followed where one or more parts of any land or building are to be treated as separate property.—Where a person desires that a part, or two or more parts of any land or building be assessed as separate property, the Municipal Commissioner or Chief Officer may in his discretion treat such part or parts as separate property if,—

(i) all taxes due on the entire land or building are paid ;

(ii) a plan of the land or building showing the division, and duly signed by all the owners of the property, is enclosed with the application ; and

(iii) a transfer fee of two rupees has been paid in full in advance with an assurance that necessary action for transfer will be taken by the applicant immediately after the division.

CHAPTER IV.

OCTROI.

24. Mode of collection.—At the time of entry of the goods into the Municipal limits octroi shall be paid to the official in charge of the octroi station. The official in charge may receive such octroi and give to the person bringing the goods into the limits of the Municipality, a receipt showing the nature and quantity of the goods and the octroi received :

Provided that in the case of goods brought by rail the official in charge of the octroi station at the railway station may in the same manner receive the octroi.

25. Payment of octroi.—In case of disagreement, as to the amount of octroi payable by the person bringing the goods within the Municipal limits the official in charge of the octroi station shall cause such person to take the goods before the Municipal Commissioner or Chief Officer, by grant of a transit pass in Form II, for the settlement of the octroi to be paid. Upon ascertainment of the amount of octroi payable on the goods, such person shall either pay the amount due and after receiving the receipt remove the goods or shall deposit the goods in the octroi office. When the octroi is paid a receipt shall be granted by the officer in charge of the octroi office for the removal of the goods showing the description of the goods, the quantity or weight of the goods, the duty paid in respect thereof and the date of payment. The fact of receipt shall also be noted on each copy of the duplicate transit pass, one copy of which shall be filed in the office and the other copy returned to the octroi station from which the transit pass was received. In case the person bringing the goods

wishes to transport the goods at once beyond the limits of the municipality he shall do so only after obtaining a transport permit in Form III, on payment of a fee of three rupees, in the case of a city municipal council and two rupees in the case of a town municipal council.

26. Assessment and collection of octroi at octroi station.—(1) When goods liable to octroi are brought into the municipal limits, the official in charge of the octroi station shall call upon the person bringing the goods into the municipal limits to declare whether they are intended,—

(*a*) for consumption, use or sale within the municipal limits ; or

(*b*) for immediate export outside the municipal limits ; or

(*c*) for temporary detention within the municipal limits and eventual transport outside the municipal limits.

(2) If the person bringing the goods into the municipal limits makes no declaration under sub-rule (1) octroi due on the goods shall be collected.

27. Procedure in case where octroi is leviable *ad valorem*.—(1) Articles on which octroi is leviable *ad valorem* shall be assessed according to the valuation in the invoice. If the invoice is not produced or if the valuation in the invoice appears to the official in charge of the octroi station to be unduly, low, then the article shall be assessed according to the market value within the municipality, of such articles on the prices current for the month if such value can be ascertained and if data relating to such prices are not available, octroi may be levied according to the best of the information of the official. In cases of doubt or dispute the official shall obtain the orders of the Municipal Commissioner or Chief Officer or other officer superior to such official. Whenever the invoice produced by the person bringing the goods into the municipal limits is in a language other than English or Kannada such person shall produce a true copy of such invoice translated into English or Kannada and verified by him.

(2) Octroi recoverable *ad valorem* shall be calculated on the actual amount of the invoice, that is, the actual cost to the owner of the consignment which shall include all expenses such as packing charges, freight charges paid, less trade discount allowed, if any. When the railway freight is paid by the person bringing the goods at destination in respect of the "to pay" consignment, such charges paid shall be added to the amount of the invoice, the same being ascertained either from the invoice or railway receipt, or from railway authorities.

28. Issue of receipt for octroi collected.—When the octroi is collected the official in charge of the octroi station shall issue a receipt in Form IV.

29. Production of receipt for having paid octroi.—(1) Any person bringing the goods into the municipal limits on which octroi has been paid, at an octroi station, shall on demand by an Inspector appointed for the purpose produce the receipt issued by the official in charge of the octroi station and allow the Inspector to inspect the goods and verify the correctness of the octroi paid.

(2) If after checking the calculation, the Inspector finds that all the items in the receipt are correct, he shall endorse his name at the back of the receipt and return it to the person bringing the goods and make a note of the receipt numbers and amounts collected thereon.

(3) If the Inspector has reason to believe that the octroi due has not been paid in full, he may require the person bringing the goods to accompany him to the Municipal Office where he will immediately report the facts of the case to the Municipal Commissioner or Chief Officer, or any other officer superior to the Inspector.

30. Municipal Council to maintain a list of traders and public bodies allowed to have an account current.—The municipal council shall maintain a list in Form V of all traders and public bodies to whom account current facilities are provided under Section 130. Such list shall

be kept corrected up-to-date and a copy of the list signed by the Municipal Commissioner or Chief Officer, shall be kept at each octroi station. Specimen signatures of the traders and officers authorised to sign declarations on behalf of public bodies shall also be obtained and kept in the municipal office and made available to the officials at the octroi stations.

31. Account current.—Whenever a trader or public body allowed to have account current under Section 130 brings goods into the municipal limits, a declaration in Form VI signed by the trader or an officer authorised by the public body shall be presented to the official in charge of the octroi station. On receipt of the declaration, the official in charge of the octroi station shall after satisfying himself from the list and other particulars made available to him that the declaration has been signed by the trader or officer of a public body, whose name is in the list of traders and public bodies allowed to have an account current, and that the items of goods agree with the details entered in the declaration, make an endorsement on the declaration certify the correctness of the declaration. He shall grant the presenter a pass in Form VII.

CHAPTER V.

TOLLS.

32. Establishment of toll gates.—(1) The municipal council shall establish toll-gates for the purpose of collecting tolls on the several routes leading to the municipality and notify the location of such toll-gates.

(2) No vehicle liable to the payment of toll shall enter the municipal limits except by one of the toll-gates established by the municipal council.

(3) Any municipal council may change, add to, or combine the existing toll-gates if it considers that such a course is necessary for the proper collection of

tolls. Every such change, addition or combination shall be notified within the limits of the municipality.

33. Table of tolls.—A table of tolls as required by Section 128 shall be kept at the place where toll is to be collected.

34. Receipts.—The person in charge of the toll-gates shall give the person paying the toll, a receipt, showing the amount received, date and hour of payment and the description or marks of identification of the vehicles.

35. Toll to be levied only once.—Toll shall be levied only once in respect of each vehicle passing through the toll-gates of the municipality on any day counted from sunrise to sunrise irrespective of the number of times the vehicle enters the municipality or the different routes by which it enters.

36. Liability to stop.—Every person or owner who is for the time being in possession or use of any vehicle shall be bound to stop it at the first toll-gate of entry into the municipality through which he desires to pass.

37. Information to be furnished.—Every person or owner in possession for the time being of any vehicle shall be bound to give all necessary and true information for the ascertainment of levy and collection of toll, to the person in charge of the toll-gate.

38. Payment.—If on such information the person in charge of the toll-gate considers that the owner or user of any vehicle is liable to pay toll, such owner or user shall pay such toll, at the rates, levied. But if he considers the owner or user is entitled to exemption after persuing the pass or permit, if any, he may permit the vehicle to proceed without payment of the toll.

39. Accounts to be kept.—The person in charge of the toll-gate shall be bound to maintain a proper account of the daily toll collections and of the traffic passing through the toll-gate and it shall be produced whenever called upon by the Municipal Commissioner or Chief Officer, or other officers duly authorised by him.

40. Claim for refund.—(1) Whenever a person who has compounded for a definite period desires to discontinue to run his vehicle within that period, he may apply for the refund of the balance of money, if any, paid by him in advance and on reasonable cause being shown, the Municipal Commissioner or Chief Officer, may refund the excess amount paid by him, provided that no refund shall be allowed for a sum less than one half of the aggregate amount due for the period for which the composition is effected. All applications for such refund shall be presented within fifteen days from the date of such discontinuance after the lapse of which no such claim shall be considered.

(2) Any person from whom toll has been recovered unauthorisedly or in excess of the amount payable in respect of any particular vehicle may apply in writing along with the receipt to the officer duly authorised for this purpose, for the refund of the amount paid.

41. Settlement when right of collection is farmed out.—Where the right of collection is farmed out, the composition fees collected shall be held at the credit of the contractor and adjusted towards his dues in the final settlement for the year.

CHAPTER VI.

Tax on Vehicles (other than Motor Vehicles).

42. Tax by whom payable.—A tax on vehicles, boats or animals specified in schedule IV, used for riding, draught or burden, kept within the municipality for use

shall be payable by the owner or other person entitled to keep the vehicle, boat or animal within the municipality.

43. Tax when payable.—A tax on vehicles other than motor vehicles, boats or animals shall be paid at the time of application for numbering and registration of such vehicle, boat or animal in accordance with the byelaws made under clause (k) of sub-section (1) of section 324.

44. Refund of tax.—Where the tax due in respect of any vehicle, boat, or animal has been paid for any year, the owner or other person entitled to the vehicle, boat or animal shall be entitled to a refund of the sum paid,—

(*a*) if the vehicle or boat has been under repair during the whole of the year ;

(*b*) if the animal certified by the President, Municipal Commissioner or Chief Officer or any person authorised by him to have been unfit for use, has not been used during the whole period.

45. Method of calculating liability to tax.—When a person has owned or had been entitled to two or more vehicles or boats or two or more animals of the same description each at different periods in one year he shall be deemed to have owned and had been entitled to one vehicle, boat or animal only, as the case may be, for the aggregate number of days in the said two or more periods.

46. Vehicles, boats, animals, transferred.—If a year's tax has been levied in respect of vehicle, boat or animal, no further tax for the same year shall be leviable in respect of the said vehicle, boat or animal if it is transferred during the said year by the preson paying the tax to any other person.

CHAPTER VII.

Tax on Dogs.

47. Tax by whom payable.—The tax on dogs shall be payable by every owner or person in charge of a dog.

48. Tax when payable.—A tax on dogs shall be paid at the time of application for numbering and registration of the dog in accordance with the bye-laws made under clause (*k*) of sub-section (1) of section 324.

CHAPTER VIII.

Special Sanitary Cess.

49. Tax by whom payable.—The special sanitary cess shall be payable by the person liable to pay the tax on the building or land in respect of which the cess is payable along with the tax on such building or land.

50. Provisions of the Act applicable where special sanitary cess is payable.—The provisions of sections 108, 111, 112, 113, and 114, shall *mutatis mutandis* be applicable in respect of any property on which special sanitary cess is payable.

CHAPTER IX.

General Sanitary Cess.

51. Levy and collection of general sanitary cess.—The general sanitary cess shall be collected in the same manner and along with the tax on the land or building in respect of which such cess is payable.

CHAPTER X

Water Rate.

52. Levy and collection of water rate.—When water rate is levied in the form of a tax assessed on buildings

and lands it shall be levied and collected in the same manner as the taxes on the buildings or land in respect of which such rate is payable.

CHAPTER XI.

Lighting Tax.

53. Levy and collection of lighting tax.—The lighting tax shall be levied and collected in the same manner as the tax on the building or land in respect of which the lighting tax is payable.

FORM No. I.

(*See* Rule 5).

Refund Application Form.

.....Municipality.

No.	Name of payee	Amount to be refunded	Grounds of refund	Date on which the amount claimed is credited to the Municipal fund	The head of account under which it is credited	Remarks
1	2	3	4	5	6	7

Received Rs.....(in words).....

Signature of applicant.

Certified that the amount has been credited to the Municipal Funds as shown above.

Pay Rs. ..... (in words) .....

Date.....

Municipal Commissioner/Chief Officer.

FORM No. II.

(*See* Rule 25).

Transit Pass - Original	Transit Pass - Duplicate	Transit Pass - Triplicate
Book No. .... Name of Octroi Station.....	Book No. .... Name of Octroi Station.....	Book No. .... Name of Octroi Station.....
Pass No.....	Pass No.....	Pass No. .....
Name of owner	Name of owner	Name of owner
Place from which brought	Place from which brought	Place from which brought
To which place	To which place	To which place
Name of consignee	Name of consignee	Name of consignee
Name and Description of article	Name and Description of article	Name and Description of article
No..... Carriage.....	No..... Carriage.....	No..... Carriage.....
Name of peon escorting the goods....	Name of peon escorting the goods..	Name of peon escorting the goods..
Date: 19....	Date: 19....	Date: 19....
	Signature of Mutsaddi	Signatrue of Mutsaddi
	NOTE :—To be forwarded to Municipal Office or Bonded warehouse for acknowledgement and return. To be pasted to the original on its return.	NOTE :—To be filed in the Municipal Office/Bonded Warehouse.
	Date : *Signature.*	

Declaration.

I.....Mutsaddi in charge of the octroi station, do hereby declare that I have inspected the goods/animals mentioned in this pass and satisfied myself as required by rules and do hereby certify that the above mentioned goods/animals have passed out of the Octroi Station on..... at hour.....

Octroi Mutsaddi,
..... Octroi Station.

Received payment of Rs.....(in words).....

Signature of the applicant for refund of octroi.

NOTE :—To be pasted to the counterfoil when received back from the octroi station of export.

FORM No. III.

(*See* Rule 25)

Transport Permit.

Counterfoil. T.P.No.....

The Octroi Mutsaddi,

.....Octroi Station.

Allow the following goods/animals to go out of the octroi limits at your octroi station on satisfying yourself as per rules and endorse the certificate on the reverse as required :—

No. and date of receipted import bill	Description of goods or animals to be exported	No. of packages or animals	Time of issue of the pass

Signature and designation of the Officer issuing the pass.

Transport Permit.

To

The Octroi Mutsaddi,

.....Octroi Station.

Allow the following goods/animals to go out of the octroi limits at your octroi station on satisfying yourself as per rules and endorse the certificate on as required -:—

No. and date of receipted import bill	Description of goods or animals to be exported	No. and Description of packages or animals	Weight or value	Name of exporter
1	2	3	4	5

Octroi paid in respect of those goods or animals Receipt No. and Date Amount	Time of issue of the pass
6	7

Date :

Signature and designation of the Officer issuing the pass.

FORM No. IV.

Octroi receipt

(*See* Rule 28).

Octroi Receipt.

Octroi Station ..... Book No. .....

of the ....Municipality. Receipt No. .....

Date and time of transport	Name and address of person importing the goods and also of the owner	Place from which brought	Description of goods or animals	Weight number or value	Rate of octroi	Amount of octroi paid
1	2	3	4	5	6	7
						Rs. P.
			Total brought forward			
			Progressive Total carried over			
			Total (in words)			

NOTE :—Every alternate sheet should be headed duplicate and perforated.

Signature of Mutsaddi.

FORM No. V.

(*See* Rule 30).

List of Traders or public bodies who are permitted to keep an account current.

..... Municipality.

Sl. No.	Names of persons who have been permitted to keep an account current.	Address	Period for which the arrangement has been made.
1	2	3	4

FORM No. VI.

(*See* Rule 31).

Declaration form for goods imported by a trader or public body in account with the Municipality.

The Octroi Mutsaddi,
.....Octroi Station,
.....Municipality.

Sir,

Please permit to be imported by.....Octroi Station the following goods as per Invoice and Railway goods Receipt/Customs Import entry No. .....produced herewith and issue a pass therefor :

To be filled in by the Importer.				To be filled in at the Municipal Office.	
Name of trader or public body importing the goods	No. and description of package	Description of goods	Weight No. or value	Rate of octroi per amount	Amount of octroi duty recoverable

I do hereby declare that the contents of this application have been truly stated.

Signature of Trader/or Manager
on behalf of
public body.

Verified and pass issued *vide* No. .....
dated.....

Dues entered in Account Current.

Date :

Octroi Superintendent.

FORM No. VII.

(*See* Rule 31).

Book No. ..... Municipality .....

Pass No. Octroi Station .....

Counterfoil of Account current Pass.

Description of goods

Date .....

Book No. ..... Municipality .....

Pass No. Octroi Station .....

Pass for goods imported by Trader or Public body in Account current.

Name of Trader/Public body .....

No. and description of packages	Description of goods.	Weight, number or value

---

Date.....

Octroi Mutsaddi.

[No. PLM 8 MLR 64].

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA,

Deputy Secretary to Government (Special) Public Health, Labour & unicipal

Finance Secretariat.

NOTIFICATION.

Bangalore, dated 22nd May 1965.

G. S. R. 531.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Manual of Contingent Expenditure 1958, namely,—

In the said Manual,

In 'Note-2' below item 4 of Rule 55 (Page-35),

For the words "Andhra Pradesh and Madras" occurring in line three, the words "Andhra Pradesh, Maharashtra, Madras and West Bengal" shall be added.

98

[No. FD 30 RCE 65.]

By Order and in the name of the Governor of Mysore,

63 N. S. Bharath, *Deputy Secy.*

NOTIFICATION

Bangalore, dated 14th May 1965.

G. S. R. 532.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. **Title.**—These rules may be called the Mysore Civil Services (Sixteenth Amendment) Rules, 1965.

2. In item (iv), under sub-clause (4) of clause (a) of Rule 29 of the Mysore Civil Services Rules, for the existing figure '30' the figure '50' shall be substituted.

529

[No. FD 16 SRS 65.]

By Order and in the name of the Governor of Mysore,

64 C. BRITTO, *Under Secy.*

NOTIFICATION.

Bangalore, dated 14th May 1965.

G. S. R. 533.—In exercise of the powers conferred by the provise to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. **Title.**—These rules may be called the Mysore Civil Services (Fifteenth Amendment) Rules, 1965.

2. In rule 516 of the Mysore Civil Services Rules, in Note—12, *for* the words "The Deputy Commissioners of Districts are" the words "The Director of Treasuries is" shall be *substituted*.

528

[No. FD 17 SRS 65.]

By Order and in the name of the Governor of Mysore,

65 C. BRITTO, *Under Secy.*

Public Works Secretariat.

NOTIFICATION.

Bangalore, dated the 24th May 1965.

G. S. R. 534.—In exercise of the powers conferred by sub-section (I) of Section 10 of the Mysore Ports (Landing and Shipping Fees) Act, 1961 (Mysore Act No. 20 of 1961) the Government of Mysore hereby makes the following rules to amend the Mysore Landing and Shipping Fees Rules, 1964, the draft of the same having been previously published G. S. R. 431, dated 3rd March, 1965 in Section 2 C (1) of Part IV of the *Mysore Gazette*, dated the 18th March 1965, as required by the said sub-section.

AMENDMENTS

1. **Title.**—These Rules may be called the Mysore Landing and Shipping Fees (Amendment) Rules, 1965.

2. **Amendment of Rule 24.**—In rule 24 of the Mysore Landing and Shipping Fees Rules, 1964 in sub-rule (c).—

(1) in the first paragraph,

(i) after the words, "the State Port Officer" the words "the Administrative Assistant to the State Port Officer", shall be inserted;

(ii) for the words, "the Port Officer of Coondapur, Honavar and Karwar, the Executive Engineer and the Assistant Engineers of the Mysore Ports Engineering Divisions", the words "the Ports Officers of Coondapur, Honavar and Karwar, the Marine Engineer and the Port Engineer", shall be substituted;

(iii) for the words, "and the Engineers", the words "the Marine Engineer and the Port Engineer", shall be substituted;

(2) in condition (2) the words " or sub-divisions ", shall be omitted;

(3) in condition (3), the words "Executive Engineer"' shall be omitted;

(4) in condition (4),—

(i) In the first sentence, after the words " the Port Officers ", the words " the Marine Engineer and the Port Engineer ", shall be inserted;

(ii) the third and fourth sentences shall be omitted.

[No. PWD 75 CSP 61.]

By Order and in the name of the Governor of Mysore,

CHANDAPPA PATEL, *Secy.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated the 21st May 1965.

G. S. R. 535.—In exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act 17 of 1962), read with Section 37 of the said Act, the Government of Mysore hereby makes the following rules further to amend the Mysore Prohibition (Issue of Tourists' Permits) Rules, 1964, the draft of the same having been previously published in Notification No. HD 115 EPS 64, dated 24th December 1964 in the *Mysore Gazette*, dated 28th January 1965, as required by sub-section (3) of Section 124 of the said Act, namely:—

1. Title.—These rules may be called the Mysore Prohibition (Issue of Tourists' Permits) (Amendment) Rules, 1965.

2. Amendment of Rule 5.—In clause (3) of rule 5 of the Mysore Prohibition (Issue of Tourists' Permits) Rules, 1963 (hereinafter referred to as the said rules), for the words "four units" the words "six units" shall be substituted.

3. Amendment of Form 'B'.—In form 'B' of the said rules,—

(1) in condition 2, for the words "four units" the words "six units" shall be substituted;

(2) for the words and marks "Bombay/Calcutta/Delhi/Madras", the words and marks "Frankfurt/Paris/London/New York/Sanfrancisco/Toronto/Melbourne" shall be substituted.

[No. HD 115 EPS 64].

By Order and in the name of the Governor of Mysore,

68 Mir Ikramuddin Ali Khan, *Under Secy.*

NOTIFICATION

Bangalore, dated the 17th May 1965

G. S. R. 536.—WHEREAS one of the minimum qualifications required for purposes of recruitment to the cadre of Assistant District Excise Officers prescribed in the Mysore Excise Department Services (Recruitment) Rules, 1963, is that the candidate should have put in at least five years of service as Excise Inspector (Senior) or as Senior Clerk;

AND WHEREAS there are at present no Government servants holding the offices of Excise Inspectors (Senior) and consequently it would not be possible to fill the posts of Assistant District Excise Officers in accordance with the said Rules;

AND WHEREAS in order to facilitate recruitment to the cadre of Assistant District Excise Officers it is necessary to suspend the operation of the said minimum qualification for a limited period;

NOW THEREFORE, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Mysore hereby makes the following rules, namely:—

1. Title. commencement and duration.—(1) These rules may be called the Mysore Excise Department Services (Recruitment of Assistant District Excise Officers) (Suspension of Minimum Qualification) Rules, 1965.

(2) They shall come into force on the date of publication in the Official Gazette, and shall remain in operation for a period of five years from the said date.

2. Suspension of minimum qualifications.—During the period of operation of these rules, the Mysore Excise Department Services (Recruitment) Rules, 1963 shall have effect as if in the schedule to the said Rules, item (ii) in column 3, in respect of the category of posts of Assistant District Excise Officers had been omitted.

3. **Savings.**—(1) The expiry of the period of operation of these rules shall not affect the previous operation of, or anything duly done under the Mysore Excise Department Services (Recruitment) Rules, 1963, as modified by rule 2.

(2) After the expiry of the period of operation of these rules, the provision omitted in the Mysore Excise Department Services (Recruitment) Rules, 1963 by rule 2 shall stand revived, and shall continue in operation until amended or superseded by any provision made under Article 309 of the Constitution.

[No. HD 36 EPS 63.]

By Order and in the name of the Governor of Mysore,

67 MIR IKRAMUDDIN ALI KHAN, *Under Secy.*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION

Bangalore, dated 31st May 1965.

G. S. R 537.—In exercise of the powers conferred by Section 38 of the Mysore Land Improvement Act, 1961 (Mysore Act 6 of 1962), the Government of Mysore hereby makes the following amendments to the Mysore Land Improvement Rules, 1962, a draft of the amendments having been published in the *Mysore Gazette* dated 22nd April 1965, as required by sub-section (3) of the said section :—

1. Title.—These Rules may be called the Mysore Land Improvement (Amendment) Rules, 1965.

2. Amendment of Rule 2.—In rule 2 of the Mysore Land Improvement Rules, 1962 (hereinafter referred to as the said rules), clause (aa) shall be omitted.

3. Insertion of new Rule 4A.—After Rule 4 of the said rules, the following rule shall be inserted, namely :—

"4A. Cost of work and recovery of the cost in respect of Contour Bunding Works :—

(1) In respect of Contour Bunding Work undertaken as a land improvement scheme, the cost of the work shall comprise —

(*i*) the cost on surveying and levelling ;

(*ii*) the cost on supervision and lining out at the time of construction ;

(*iii*) the cost on construction of earth works and waste weirs ; and

(*iv*) the cost of establishment charges, that is, one-third of the total of the costs referred to in clauses (i), (ii) and (iii).

(2) The total amount to be recovered from the owner shall be seventy-five per cent of the cost of the work as determined under sub-rule (1) and the amount recoverable shall be recovered with interest at five per cent per annum, in fifteen annual instalments."

[No. AF 81 ASO 63.]

By Order and in the name of the Governor of Mysore,

G. S. SRINIVASAN *Secretary.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 1st June 1965.

G.S.R. 538.—In exercise of the powers conferred by sub-section (2) of Section 323 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby makes the following Rules, the draft of the same having been published as required by sub-section (1) of the said Section in Notification No. PLM 9 MLR 65, dated 5th April 1965, published as G.S.R. 461 in Part IV-2 C (i) of the *Mysore Gazette Extraordinary*, dated 9th April 1965, namely:—

THE MYSORE MUNICIPALITIES (PUBLICATION OF BYE-LAWS) RULES, 1965.

1. **Title.**—These Rules may be called the Mysore Municipalities (Publication of Bye-laws) Rules, 1965.

2. **Manner of publication of bye-laws.**—(1) The draft of the bye-laws which a municipal council proposes to make under Section 324 of the Mysore Municipalties Act, 1964 (Mysore Act 22 of 1964) shall, together with the notice referred to in the said section, be published by the municipal council by,—

(*a*) affixing copies thereof on the notice board of the office of the municipal council and its sub-offices, if any;

(*b*) exhibiting copies thereof in places considered by the municipal council to be conspicuous within the municipality;

(*c*) publication in at least two issues of a daily newspaper having wide circulation within the municipality.

(2) Every bye-law as approved by Government shall be published by the municipal council in the same manner as specified in sub-rule (1) above and shall also be published in the *Mysore Gazette*, specifying the date on which they are approved by Government and the date on which they shall come in to force.

[No. PLM 9 MLR 65.]

By order and in the name of the Governor of Mysore,

69 B. VENKATARAMIA, *Deputy Secy.* (*Special*)

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'lore.

Health Register in Form No. 16, which shall be kept by the factory Manager and produced to the Certifying Surgeon at each visit.

(13) If the Certifying Surgeon finds as a result of his examination that any person employed in such process is no longer fit for medical reasons to work in that process, he shall suspend that person from working in that process for such time as he may think fit and no person after suspension shall be employed in that process without the written sanction of the Certifying Surgeon in the Health Register.

(14) The Manager of a factory shall afford to the Certifying Surgeon facilities to inspect any process in which any person is employed or is likely to be employed.

(15) The Manager of a factory shall provide for the purpose of any medical examination which the Certifying Surgeon wishes to conduct at the factory (for his exclusive use on the occasion of an examination) a room which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, a table (with writing materials) and chairs.

CHAPTER III

Health

15. *Exemptions under sub-section* (2) *of Section* 11. *Cleanliness of walls and ceilings.*—(1) Clause (*d*) of sub-section (1) of Section 11 of the Act shall not apply to the class or description of factories or parts of factories specified in the Schedule hereto :

Provided that they are kept in a clean state by washing, sweeping, brushing, dusting, vacuum-cleaning or other effective means :

Provided further that the said clause (*d*) shall continue to apply—

(i) as respects factories or parts of factories in Part A of the said Schedule, to work-rooms in which the amount of cubic space allowed

for every person employed in the room is less than 14.2 cubic meter;

(ii) as respects factories or parts of factories specified in Part B of the said Schedule, to workrooms in which the amount of cubic space allowed for every person employed in the rooms is less than 71 cubic meter;

(iii) to engine houses, fittings shops, lunch rooms, canteens, shelters, creches, cloak rooms, rest rooms and wash places; and

(iv) to such parts of walls, sides and tops of passages and staircases as are less than 6 meters above the floor or stair.

(2) If it appears to the Chief Inspector that any part of a factory to which, by virtue of sub-rule (1), any of the provisions of the said clause (*d*) do not apply or apply as varied by sub-rule (1), is not being kept in a clean state, he may, by written notice, require the occupier to white wash or colour wash, wash, paint or varnish the same and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, sub-rule (1) shall cease to apply to such part of a factory. unless the Chief Inspector otherwise determines.

SCHEDULE

PART "A"

(1) Blast furnaces.
(2) Brick and tile works in which unglazed bricks or tiles are made.
(3) Cement works.
(4) Chemical works.
(5) Copper Mills.
(6) Gas Works.
(7) Iron and Steel Mills.
(8) Stone, Slate and Marble Works.

The following parts of Factories :—

Rooms used only for the storage of parts.

Rooms in which the walls or ceilings consist of galvanised iron, glazed bricks, glass, slate, asbestos, bamboo, thatch.

Parts in which dense steam is continuously evolved in the process.

Parts in which pitch, tar or like material is manufactured or used to a substantial extent, except in brush works, the parts of a glass factory known as the "Glass house" rooms in which graphite is manufactured or is used to a substantial extent in any process.

Parts in which coal, coke, oxide or iron ochre, lime or stone is crushed or ground.

Parts of walls, partitions, ceilings, or tops of rooms which are at least 6 meters above the floor.

Ceilings or tops of rooms in print works, bleach works or dye works with the exception of finishing rooms or warehouses.

Inside walls of oil mills, below a height of 1.5 meters from the ground floor level.

Inside walls in tanneries below a height of 1.5 meters from the ground floor level where a wet process is carried on walls in tea factories.

PART "B"

(1) Coach and motor body works.
(2) Electric generating or transforming stations.
(3) Engineering Works.
(4) Factories in which sugar is refined or manufactured.
(5) Foundries other than foundries in which brass casting is carried on.

(6) Those parts of factories where unpainted or unvarnished wood is manufactured.

(7) Gun factories and ship building works.

16. *Register prescribed under sub-section* (1) *of Section* 11—*Record of white washing, etc.*—The record of dates on which white washing, varnishing, etc., are carried out, shall be entered in a Register maintained in Form No. 6.

17. *Prescribed under sub-section* (2) *of Section* 12—*Disposal of trade wastes and effluents.*—(1) In the case of a factory where the drainage system is proposed to be connected to the public sewerage system, prior approval of arrangements made shall be obtained from the local authority.

(2) In the case of a factory situated in a place where no public sewerage system exists, prior approval of the arrangements made for the disposal of trade-wastes and effluents shall be obtained from the Public Health Authority or such authority as the State Government may appoint this behalf.

18. *Rules* 18 *to* 28 *prescribed under sub-section* (1) *of Section.*—*When artificial humidification not allowed.*—There shall be no artificial humidification in any room of a cotton spinning or weaving factory—

(*a*) by the use of steam during any period when the dry bulb temperature of that room exceeds 29.4° centigrade ;

(*b*) at any time when the wet bulb reading of the hygrometer is higher than that specified in the following Schedule in relation to the dry bulb reading of the hygrometer at that time ; or as regards a dry bulb reading, intermediate between any two dry bulb readings indicated consecutively in the Schedule when the dry bulb reading does not exceed the wet bulb reading to the extent indicated in relation to the lower of these two dry bulb readings :

SCHEDULE

Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb
15·6	14·4	25 0	23·9	34·4	3·· 0
16·	15 0	25·6	24·4	35·0	30 6
16·7	15 6	26·1	25·0	35·6	30·9
17·2	16·1	26·7	25·6	36·1	31·1
17·8	·· ·7	27 2	26·1	36·7	31·4
1 ·3	17·2	27·8	26·7	37·2	31·7
18·9	17·8	28 3	27 0	37·8	32·0
19 4	18 3	28·9	27·2	38·3	3 ·2
20·0	18·9	29··	27·8	38.9	32·2
20 6	19·4	30·0	28·1	39·4	33·5
21 1	20·0	30·6	8·3	40·0	32·5
2 7	20·	31·1	28.6	40 6	32·8
22·2	21 1	31·7	28·9	41·1	32·8
22 8	21··	32·2	29·2	41 7	33·1
23 3	22·2	32 8	29·4	42 2	33·1
23·9	22·8	33·3	29·7	42·8	33·3
24·4	23·3	33·9	30·0	43·3	33·3

Provided, however, that clause (*b*) shall not apply when the difference between the wet bulb temperature as indicated by the hygrometer in the department concerned and the wet bulb temperature taken with a hygrometer outside in the shade is less than 15.8° centigrade.

19. *Provision of Hygrometer.*—In all departments of cotton spinning and weaving mills wherein artificial humidification is adopted, hygrometers shall be provided and maintained in such positions as are approved by the Inspector. The number of hygrometers shall be regulated according to the following scale:—

(*a*) *Weaving Department.*—One hygrometer in departments with less than 500 looms, and one additional hygrometer for every 500 or part of 500 looms in excess of 500.

(*b*) *Other Departments.*—One hygrometer for each room of less than 8,490 c. meters capacity and one extra hygrometer for each 5,660 c. meters or part thereof in excess of this.

(*c*) One additional hygrometer shall be provided and maintained outside each Cotton Spinning and Weaving Factory wherein artificial humidification is adopted and in a position approved by the Inspector, for taking hygrometer shade readings.

20. *Exemption from maintenance of hygrometers.*—When the Inspector is satisfied that the limits of humidity allowed by the Schedule to Rule 18 are never exceeded he may, for any department other than the Weaving Department, grant exemption from the maintenance of the hygrometer. The Inspector shall record such exemption in writing.

21. *Copy of schedule to Rule* 18 *to be affixed near every hygrometer.*—A legible copy of the schedule to Rule 18 shall be affixed near each hygrometer.

22. *Temperature to be recorded at each hygrometer.*— At each hygrometer maintained in accordance with Rule 19, correct wet and dry bulb temperatures shall be recorded thrice daily during each working day by competent persons nominated by the Manager and approved by the Inspector. The temperatures shall be taken between 7 and 9 A.M., between 11 A.M. and 2 P.M. (but not in the rest interval) and between 4 P.M. and 5-30 P.M. In exceptional circumstances, such additional readings and between such hours as the Inspector may specify shall be taken. The temperature shall be entered in a Humidity Register in the prescribed Form No. 5 maintained in the factory. At the end of each month, the persons who have taken the readings shall sign the register and certify the correctness of the entries. The register shall always be available for inspection by the Inspector.

23. *Specifications of hygrometer.*—(1) Each hygrometer shall comprise two mercurial thermometers of wet bulb and dry bulb of similar construction and equal in dimensions, scale and divisions of scales. They shall be mounted on a frame with a suitable reservoir containing water.

(2) The wet bulb shall be closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dropping into the water in the reservoir. The muslin covering and the wick shall be suitable for the purpose, clean and free from size or grease.

(3) No part of the wet bulb shall be within 7.6 c. meter from the dry bulb or less than 2.5 c. meter from the surface of the water in the reservoir and the water reservoir shall be below it, on the side of it away from the dry bulb.

(4) The bulb shall be spherical and of suitable dimensions and shall be freely exposed on all sides to the air of the room.

(5) The bores of the steams shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of 61 c. meter.

(6) Each thermometer shall be graduated so that accurate readings may be taken between 10° and 50° centigrade.

(7) Every degree from 10 to 50 degrees shall be clearly marked by horizontal lines on the stem, each fifty and tenth degree shall be marked by longer marks than the intermediate degrees and the temperature marked opposite each tenth degree, *i.e.*, 10, 20, 30, 40, 50, 60, 70, 80.

(8) The markings as above shall be accurate, that is to say, at no temperature between 10· and 80° centigrade shall be the indicated readings be in error by more than two-tenths of a degree.

(9) A distinctive number shall be indelibly marked up on the thermometer.

(10) The accuracy of each thermometer shall be certified by the National Physical Laboratory, London, or some competent authority appointed by the Chief Inspector and such certificate shall be attached to the Humidity Register.

24. *Thermometers to be maintained in efficient order.*—Each thermometer shall be maintained at all times during the period of employment in efficient working order, so as to give accurate indications and in particular—

(*a*) the wick and muslin covering of the wet bulb shall be renewed once a week;

(*b*) the reservoir shall be filled with water which shall be completely renewed once a day. The Chief Inspector may direct the use of distilled water or pure rain water in any particular mill or mills in certain localities;

(*c*) no water shall be applied directly to the wick or covering during the period of employment.

25. *An inaccurate thermometer not to be used without fresh Certificate.*—If an Inspector gives notice in writing that a thermometer is not accurate, it shall not, after one month from the date of such notice, be deemed to be accurate unless and until it has been re-examined as prescribed and a fresh certificate obtained which certificate shall be kept attached to the Humidity Register.

26. *Hygrometer not to be affixed to wall, etc., unless protected by wood.*—(1) No hygrometer shall be affixed to a wall, pillar or other surface unless protected therefrom by wood or other non-conducting matetrial at least 1.3 c.m. in thickness and distant at least 2.5 c.m. from the bulb of each thermometer.

(2) No hygrometer shall be fixed at a height more than 1.7 meters from the floor to the top of the thermometer stem or in the direct draughts from a fan, window or ventilating opening.

27. *No reading to be taken within fifteen minutes of renewal of water.*—No reading shall be taken for record on any hygrometer within fifteen minutes of renewal of water in the reservoir.

28. *How to introduce steam for humidification.*—In any room in which steam pipes are used for the introduction of steam for the purpose of artificial humidification of the air, the following provisions shall apply :—

(*a*) The diameter of such pipes shall not exceed 5 c. meters and in the case of pipes installed after the date of commencement of these rules, the diameter shall not exceed 2.5 c.meters.

(*b*) Such pipes shall be as short as is reasonably practicable ;

(*c*) All hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than 1.3 c.meters in thickness.

(*d*) No uncovered jet from such pipes shall project more than 11 c.meters beyond the outer surface of any cover.

(*e*) The steam pressure shall be as low as practicable and shall not exceed 4.9 kg. per sq.cm.

(*f*) The pipe employed for the introduction of steam into the air in a department shall be effectively covered with such non-conducting matcrial,

as may be approved by the Inspector in order to minimise the amount of heat radiated by them into the department.

29. *Rules 29 to 33 prescribed under sub-section (4) of Section 17.—Lighting.—Application and commencement.*—(1) Subject as in these Rules provided, Rules 29 to 33 shail apply to factories in which persons are being regularly employed in manufacturing process or processes for more than 48 hours a week, or in shifts, provided that nothing in these Rules shall be deemed to require the provision of lighting of a specified standard in any building or structure so constructed that, in the opinion of the Chief Inspector, it would not be reasonably practicable to comply with such requirement.

(2) Rules 29 to 33 shall come into force in respect of any class or description of factories, on such dates as the State Government may, by notification in the official Gazette, appoint in this behalf.

30. *Lighting of interior parts.*—(1) The general illumination over those interior parts of a factory where persons are regularly empolyed shall be not less than 3 feet candles measured in the horizontal plane at level of 1 meter above the floor :

Provided that in any such parts in which the mounting height of the light source for general illumination necessarily exceeds 7.5 meters measured from the floor or where the structure of the room or the position or construction of the fixed machinery or plants prevent the uniform attainment of this standard the general illumination at the said level shall be not less than one foot candle and where work is actually being done, the illumination shall be not less than 3 feet candles.

(2) The illumination over all other interior parts of the factory, over which persons employed pass, shall, when and where a person is passing, be not less than 0.5 foot candles at floor level.

(3) The standard specified in these Rules shall be without prejudice to the provision of any additional illumination required to render the lighting sufficient and suitable for the nature of the work.

(4) Lighting in accordance with the following standards shall be provided and used in interior of cotton ginning factories at times when lighting is required and ordinarily used :—

(i) By means of electricity to the satisfaction of the Inspector, one lamp for four gins, each lamp of not less than 40 watts power or fluorescent tube lights of convenient lengths and number may be used.

(ii) By candles placed in glass lanterns of patterns approved by the Inspector, not less than one such lantern on each gin should be placed.

31. *A. Prevention of Glare.*—(1) Where any source of light in the factory is less than 5 meters above floor level, no part of the light source or of the lighting fitting having a brightness greater than 10 candles per sq.cm. shall be visible to persons whilst normally employed within 30 meters of the source except where the angle of elevation from the eye to the source or part of the fitting, as the case may be, exceeds 20° centigrade.

(2) Any local light, that is to say, light designed to illuminate particularly the area or part of the area of work of a single operative or small group of operatives working near each other, shall be provided with a suitable shade of opaque material to prevent glare or with other effective means by which the light source is completely screened from the eyes of every person employed at a normal working place, or shall be so placed that no such persons is exposed to the glare therefrom.

B. General Ventilation.—(1) In every room in a factory in which workers are ordinarily employed and which is not ventilated by mechanical means, there shall be

sufficient openings in the walls or roof for the admission or egress of air to maintain the atmosphere in the room in a fresh and reasonably cool condition.

(2) If in any part of a factory the Inspector, having due regard to weather conditions then prevailing, considers the atmosphere to be unduly vitiated or stagnant and that this is due to insufficient openings, he shall by written order require the Manager to—

(*a*) increase the openings in the walls or in the roof to an aggregate area equal to 75 per cent of the area found by the applicable formula (Appendix I) or to such less extent as he deems reasonable in the circumstances, or

(*b*) provide mechanical means to produce continuous change of air at the rate of three complete changes in the hour or at such less rate as he deems sufficient in the circumstances.

C. Measures required for cooling.—If, in any room of a factory, the cooling properties of the air appear to the Chief Inspector to be at times insufficient to secure workers against injury to health or serious discomfort, and he considers that they can be to a great extent increased at a reasonable cost, he may, by written order, require the Manager to carry out any or all of the following measures before a specified date:—

(*a*) Electric or other fans to be used to produce adequate movement of air over the workers. The Chief Inspector may require such movement to be such that the rate of cooling by evaporation at a height of 1.5 meters from the floor level, as found by the use of a Kata thermometer, is two and a half times what it would be if the air were not moved by such fans.

(*b*) the height of the room from floor to roof or ceiling to be increased to a height of 5.5 meters or such less height as the Chief Inspector deems reasonable in the circumstances.

(c) A layer of tiles, wood or other substance which is a bad conductor of heat to be added to the roof or substituted for other materials.

(*d*) Sun shades of specified size to be placed before or fitted to such openings as admit direct sunlight upon the workers.

D. Ventilation in new factories or rooms.—(1) In any factory or part of a factory which has been built or brought into use after the enforcement of these Rules, no worker shall be allowed to work unless :—

(*a*) If no mechanical means of general ventilation is employed, the ventilating openings in every room where workers are ordinarily employed are of not less than that aggregate area found from the applicable formula Appendix I, or

(*b*) if the ventilation is by mechanical power or the fans or other means employed are of such capacity as to pass through the rooms three times in every hour a volume of air equal to the cubic capacity of the room ;

(*c*) where no other room is super-imposed, the roof or ceiling, if there is one, is either more than 6 Meters above floor level or in the alternative includes a sufficient layer of earthenware tiles, wood compressed asbestos or other substance which is bad conductor of heat, or is constructed with an air space not less than 15 centimeters in depth, open to atmosphere at the caves and in the case of sloping roofs, having sufficient egrees for hot air at the apex :

Provided that where the Chief Inspector is satisfied that the Rule may be relaxed with due regard to the health of the workers employed, he may, by an order in writing exempt the factory or a specified part if from the provisions of this Rule to such extent and on such conditions as he considers suitable in the circumstances.

(2) Any local light, *i.e.*, a light designed to illuminate particularly the area or the part of the area of work of a single operative or small group of operatives working near each other, shall be provided with a suitable shed of opaque material to prevent glare or with other effective means by which the light source is completely screened from the eyes of every persons employed at a normal working place, or shall be so placed that no such person is exposed to glare therefrom.

32. *Power of Chief Inspector to exempt.*—Where the Chief Inspector is satisfied, in respect of any particular factory or part thereof or in respect of any description of work room or process, that any requirements of these Rules is in appropriate or is not reasonably practicable, he may, by order in writing exempt the factory or part thereof or description of work room or process from such requirement to such extent and subject to such conditions as he may specify.

33. *Exemption from Rule* 30.—(1) Nothing in Rule 30 shall apply to the parts of factories specified in Part I of the Schedule annexed hereto :—

(2) Nothing in sub-rule (1) of Rule 30 shall apply to the Factories or parts of Factories respectively specified in Part II of the said schedule.

SCHEDULE

Part I

Parts of factories in which light sensitive photographic materials are made or used in an exposed condition.

Part II

Cement Works,
Works for crushing and grinding of limestone,
Gas Works,
Coke Oven Works,
Electrical Stations,
Flour Mills,
Malting and breweries.

Parts of factories in which the following processes are carried out :—

Concrete or artificial stone making.
Conversion of iron into steel.
Smelting of Iron Ore, Iron or Steel rolling.
Hot rolling or foregoing, tempering or annealing of metals.
Glass blowing and other working in molten gloss.
Tar distilling.
Petroleum refining and blending.

34. *Rule 34 to 39 prescribed under sub-section* (4) *of Section* 18—*The quantity of Drinking Water.*—The quantity of drinking water to be provided for the workers in every factory shall be at least as many gallons a day as there are workers employed in the factory and such drinking water shall be readily available at all times during working hours.

35. *Source of supply.*—The water provided for drinking shall be supplied :—

(*a*) from the taps connected with a public water supply system, or

(*b*) any other source approved, in writing by the Health Officer.

36. *Storage of Water.*—(*a*) If drinking water is not supplied from taps connected with a public water supply system, it shall be kept in suitable vessels and renewed at least daily. All practicable steps shall be taken to preserve the water and vessels from contamination and to keep the vessels scrupulously clean.

(*b*) Vessels in which drinking water is stored shall be placed on raised platforms at least one meter high and in shady places with necessary drainage to carry away split water.

37. *Cleanliness of Well or Reservoir.*—(1) Drinking water shall not be supplied from any open well or reservoir unless it is so constructed, situated, protected and maintained as to be free from the possibility of pollution by chemical or bacterial and extraneous impurities.

(2) Where drinking water is supplied from such well or reservoir, the water in it shall be sterilised once a week or more frequently if the Inspector, by written order, so requires and the date on which sterilising is carried out shall be recorded :

Provided that this requirement shall not apply to such well or reservoir if the water therein is filtered and treated to the satisfaction of the Health Officer before it is supplied for consumption.

38. *Report for Health Officer.*—The Inspector may, by order in writing direct the Manager to obtain, at such times or at such intervals as he may direct, a report from the Health Officer as to the fitness for human consumption of the water supplied to the workers, and in every case, to submit to the Inspector a copy of such report as soon as it is received from the Health Officer.

39. *Cooling of Water.*—In very factory wherein more than two hundred and fifty workers are ordinarily employed :—

(*a*) The drinking water supplied to the workers shall, from the 1st March to the 30th June of every year (during the hot season, be cooled by ice or other effective method.

(*b*) the cooled drinking water shall be supplied in every canteen, lunch room and rest and also at conveniently accessible points throughout the factory which for the purpose of these Rules, shall be called "Water Centres".

(*c*) the water centres shall be sheltered from the weather and adequately drained ;

(*d*) the number of water-centres to be provided shall be one 'centre' for every 150 persons employed in the factory at any one time :

Provided that in the case of a factory where the number of persons employed exceeds 500 it shall be sufficient if there is one such "Centre" as aforesaid for every 150 persons upto the first 500 persons and one for every 500 persons thereafter ;

(*e*) Every "Water Centre" shall be maintained in a clean and orderly condition and shall be in charge of a responsible person who shall distribute the water. Such persons shall be provided with clean clothes while on duty.

(*f*) Clauses(*a*),(*d*) and (*e*) shall not apply to any factory in which suitable mechanically operated drinking water refrigerating units are installed to the satisfaction of the Chief Inspector.

40. *Rules* 40 *to* 49 *prescribed under sub-section* (3) *of Section* 19.—*Latrine Accommodation.*—Latrine accommodation shall be provided in every factory on the following scale :—

(*a*) Where women are employed, there shall be at least one latrine for every 25 females ;

(*b*) where males are employed, there shall be at least one latrine for every 25 males provided where the number of males employed exceeds 100, it shall be sufficient if there is one latrine for every 25 males up to the first 100 and one for every 50 thereafter ;

In calculating the number of latrines required under this Rule any odd number of workers below 25 or 50, as the case may be, shall be reckoned as 25 to 50 and the maximum number of persons working in the factory at any time and not the total number of persons employed in the factory shall be taken into account.

41. *Latrines to conform to Public Health requirements.*—Latrines, other than those connected with an efficient water borne sewage system, shall comply with the requirements of the Public Health Authorities.

42. *Privacy of Latrines.*—Every latrine shall be under cover and so partitioned off so as to secure privacy, and shall have a proper door and fastenings.

43. *Sign boards to be displayed.*—Where workers of both sexes are employed, there shall be displayed outside each latrine block a notice in the language understood by the majority of the workers "For Men only" and "For Women only" as the case may be. The notice shall also bear the figure of a man or of a woman as the case may be.

44. *Urinal accommodation.*—Urinal accommodation shall be provide for the use of workers and shall not be less than 61 centimeters in length for every 50 workers; provided that, where the number of persons employed exceeds 500, it shall be sufficient if there is one urinal for every 50 workers up to the first 500 employed and one for every 100 thereafter. Where women are employed, separate urinal accommodation shall be provided on the same scale as mentioned above.

45. *Urinals to conform to public health requirements.*—Urinals, other than those connected with an efficient water-borne sewage system, and urinals in factory wherein more than 250 workers are ordinarily employed shall comply with the requirements of the Public Health authorities.

46. *Certain latrines and urinals to be connected to sewerage System.*—(1) When any general system of underground sewerage with an assured water supply for any particular locality is provided in a Municipality, all latrines and urinals of a factory situated in such locality shall, if the factory is situated within 30 Meters of an existing sewer, be connected with that sewerage system.

(2) No worker shall make use of any other place within the factory as latrine or urinal other than the latrine and urinal accommodation provided under these Rules.

(3) The design and the site or situation of latrine and urinal accommodation shall be subject to the approval of the Director of Public Health and the construction shall be subject to the approval of the Chief Inspector.

(4) They shall be situated, unless otherwise approved in writing by the Inspector, within the factory precincts and so situated that (a) every worker may have ready access thereto and (b) no effluvia therefrom can arise within a workroom.

47. *White-washing, colour-washing of latrines and urinals.*—The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour-washed and the white-washing or colour-washing shall be repeated at least once in every period of four months. The walls shall be coal tarred to a height of 1 meter. The dates on which the white-washing, colour-washing is carried out shall be entered in the prescribed Register (From No. 6) :

Provided that this Rule shall not apply to latrines and urinals, the walls, celling of partitions of which are laid in glazed tiles or otherwise finished to provide a smooth, polished impervious surface and that they are washed with suitable detergents and disinfectants at least once in every period of four months.

48. *Construction and maintenance of drains.*—All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material and shall be regularly flushed and the effluent disposed of by connecting such drains with a suitable drainage line :

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the Health Officer.

49. *Water taps in latrines.*—Where piped water supply is available, a sunfficient number of taps, conveniently accessible shall be provided in or near such latrine accommodation. Where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes.

50. *Rules 50 to 52 prescribed under sub-section (2) of Section 20.—Number and location of Spittoons.*—The number and location of the spittoons to be provided shall be to the satisfaction of the Chief Inspector.

51. *Type of Spittoons.*—The spittoons shall be either of the following types :—

(*a*) a galvanised iron container with a conical funnel shaped cover. A layer of suitable disinfectant liquid shall always be maintained in the container ;

(*b*) a container filled with dry, clean sand and covered with a layer of bleaching powder ;

(*c*) any other type approved by the Chief Inspector.

52. *Cleaning of Spittoons.*—The spittoons mentioned in clause (*a*) of Rule 51 shall be emptied, cleaned and disinfected at least once every day ; and the spittoon mentioned in clause (*b*) of Rule 51 shall be cleaned by scraping out the top layer of sand as often as necessary or at least once every day.

CHAPTER IV

Safety

53. *Further Precautions prescribed under sub-section (2) of Section 21.—Further Safety Precautions.*—Without prejudice to the provisions of sub-section (1) of Section 21 in regard to the fencing of machines, the further precautions specified in the Schedules annexed hereto shall apply to the machines noted in each schedule.

53-A. (1) Register of specifically trained adult workers—Register of workers attending machinery as provided in sub-section (1) of Section 21 shall bt in Form No. 31.

(2) *Belts, etc., to be regularly examined.*—All belts shall be regularly examined to ensure that the joints are safe and the belts are at proper tension.

(3) *Tight fitting clothing.*—(*a*) A dhoti wrapped round the body in any manner shall not be deemed to be tight fitting clothing within the meaning of sub-section (1) of Section 22.

(*b*) A worker required to wear tight fitting clothing under sub-section (1) of Section 22 shall be provided by the Occupier with such clothing which shall consist of at least a pair of closely fitting shorts and a closely fitting half sleeve shirts or waists. Such clothing shall be returned to the occupier on termination of service or when new clothing is provided.

SCHEDULE I

(Cotton Textiles)

1. Cotton openers, Scutchers, combined openers and Scutchers, Scutcher and Lap machines, Hard Waste Breakers, etc.—

(*a*) All Cotton openers, scutchers, combined openers and scutchers, scutchers and lap machines, hard waste breakers and similar machines shall be driven by separate motors or counter-shafts provided with fast and loose pulleys and efficient belt shifting devises.

(*b*) In all openers, combined openers and scutchers, scutchers, scutcher lap machines, hard waste breakers and similar machines, the beater covers and doors which give access to any dangerous part of the machine shall be fitted

with effective inter-locking arrangements which shall prevent :—

(i) the covers and doors being opened while the machine, is in motion ; and

(ii) the machine being re-started until the covers and doors are closed :

Provided that, in respect of doors or openings other than dirt doors or desk doors, such doors shall be so fenced as to prevent access to any dangerous part of the machine if effective inter-locking arrangement is not provided.

(*c*) In all openers, combined scutchers and openers, scutchers, scutcher-lap machines, hard-waste breaking machines and similar machines, the openings giving access to dust chambers shall be provided with permanently fixed fencing which shall, while admitting light, yet prevent contact between any portion of a worker's body and the beater grid bars.

2. Combined openers and scutchers, Scutchers, Scutcher-lap, sliver lap, lap machines, derby Doublers and Ribbon machines :—

(i) The lap forming rollers shall be fitted with a guard or cover which shall prtvent access to the intake of the lap roller and fluted roller as the weighted rack is down ; or

(ii) the Guard or cover shall be so locked that it cannot be raised until the machine is stopped and the machine cannot be started until the guard or cover is closed.

3. *Carding Machines.*—All cylinder doors shall be secured by an automatic locking device which shall prevent the door being opened until the cylinder has ceased to revolve and shall render it impossible to restart the machine until the door has been closed.

4. *Speed Frames.*—Head stock shall be fitted with automatic locking arrangements which shall prevent the

doors giving access to Jack box wheels being opened while the machinery is in motion and shall render it impossible to restart the machine until the doors have been closed.

5. *Self acting Mules.*—The drive shall be from counter-shafts which shall be provided with fast and loose pulleys and efficient belt shifting devices.

6. *Calendering Machines, etc.*—In respect of calendering machines, mangles and similar machines, all such machines shall be provided with an efficient "nip" guard along the whole length on the intake side of each pair of bowls and similar parts, which shall be so fitted and maintained, whilst the rollers of bowls are in motion, as to prevent access to the point of contact of the rollers of bowls.

SCHEDULE II

(Cotton Ginning)

Line Shaft.—The line shaft or second motion in cotton ginning factories, when below floor-level, shall be completely enclosed by a continuous wall or unclainable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling, and such opening shall be provided with gates or doors which shall be kept closed and locked.

SCHEDULE III

(Wood working Machinery)

1. Definitions for the purposes of the schedules:—

(*a*) "Wood working machine" means a circular saw band saw, planning machine, chain morticising machine or vertical spindly moulding machine operating on wood or cork.

(*b*) "Circular Saw" means a circular saw working in a bench (including a rack-bench) but does not include a pendulum or similar saw which is mover towards the wood for the purpose of cutting operation.

(*c*) "Band Saw" means a band saw, the cutting portion of which runs in a verticle direction but does not include a long saw or band resawing machine.

(*d*) "Planning machine" means a machine for overlhand planning or for thicknessing or for both operations.

2. *Stopping and starting device.*—An efficient stopping and starting device shall be provided on every wood working machine. The control of this device shall be in such a position as to be readily and conveniently operated by the person in charge of the machine.

3. *Space around machines.*—The space surrounding every wood working machine in motion shall be kept free from obstruction.

4. *Floors.*—The floor surroundings every wood-working machine shall be maintained in good and level condition, and shall not be allowed to become slippery, and as far as practicable, shall be kept free from clips or other loose material.

5. *Training and Supervision.*—(i) No person shall be employed at a wood working machine unless he has been sufficiently trained to work that class of machine, or unless he works under the adequate supervision of a person who has a thorough knowledge of the working of the machine.

(ii) A person who is being trained to work a wood-working machine shall be fully and carefully instructed as to the dangers of the machine and the precautions to be observed to secure safe working of the machine.

6. *Circular-Saws.*—Every circular saw shall be fenced as follows :—

(*a*) behind and in direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid and easily adjustable, and shall also conform to the following conditions :—

(i) The edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius, of the largest saw used on the bench.

(ii) The knife shall be maintained as close as practicable to the saw having regard to the nature of the work being done at the time, and at the level of the bench-table, the distance between the front edge, of the knife and the teeth of the saw shall not exceed 1 centimeter.

(iii) For a saw of a diameter of less than 60 centimeter the knife shall extend upwords from the bench table to within 2 centimeter of the top of the said and for a saw of diameter of 60 centimeter or over, shall extend upwards from the bench table to a height of at least 23 centimeters.

(*b*) the top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw, farthest from the fence. The guard shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw. The guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

(*c*) The part of the saw below the bench table shall be protected by two plates of metal or other suitable material, one on each side of the saw ; such plates shall not be more than 15 centimeters apart, and shall extend from the axis of the saw outwards to a distance of not less than 5 centimeters beyond the teeth of the saw. Metal plates, if not beaded, shall be of a thickness of at least 0.25 centimeters or if beaded be of a thickness of at least 0.1 centimeter.

7. *Push-Sticks.*—A push-stick or other suitable appliance shall be provided for use at every circular saw and at every vertical spindle moulding machine to enable the work to be done without unnecessary risk.

8. *Band saws.*—Every band saw shall be guarded as follows:—

(*a*) Both sides of the bottom pulley shall be completely encased by sheet or expanded material or other suitable material.

(*b*) The front of the top pulley shall be covered with sheet or expanded metal or other suitable material.

(*c*) All portions of the blade shall be enclosed or otherwise securely guarded except the portion of the blade between the bench table and the top guide.

9. *Planning Machines.*—(i) A planning machine (other than a planning machine which is mechanically fed) shall not be used for over head planning unless it is fitted with a Cylindrical cutter block.

(ii) Every planning machine used for overhand planning shall be provided with a "Bridge" guard capable of covering the full length and breadth of the cutting slot in the bench and so constructed as to be easily adjusted both in a horizontal and verticle direction.

(iii) The feed roller of every planning machine used for thicknessing, except the combined machine for overhand planning and thicknessing, shall be provided with an efficient guard.

10. *Vertical spindle Moulding Machines.*—(1) The cutter of every vertical spindle moulding machine shall be guarded by the most efficient guard having regard to the nature of the work being performed.

(2) The wood being moulded at a vertical spindle moulding machine shall, if practicable, be held in a gig or holder of such construction as to reduce, as far as possible the risk of accident to the worker.

11. *Chain Mortising Machines.*—The Chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as far as practicable.

12. *Adjustment and maintenance of guards.*—The guards and other appliances required under this schedule shall be—

(*a*) maintained in an efficient state,

(*b*) constantly kept in position while the machinery is in motion, and

(*c*) so adjusted as to enable the work to be done without unnecessary risk.

13. *Exemptions.*—Paragraphs 6, 8, 9 and 10 shall not apply to any wood working machine in respect of which it can be proved that other safeguards are provided maintained and used which render the machine as safe as it would be if guarded in the manner prescribed in the Schedule.

SCHEDULE IV.

Rubber Mills.

1. *Installation of Machines.*—Mills for breaking down, cracking, grating, mixing, refining and warming rubber or rubber compounds shall be so installed that the top of the front roll is not less than 117 centimeters above the floor or working level. Provided that in existing installations where the top of the front roll is below this height, a strong rigid distance bar guard shall be fitted across the front of the machine in such a position that the operator cannot reach the nip of the rolls.

2. *Safety devices.*—(i) Rubber mills shall be equipped with—

(*a*) hoppers so constructed or guarded that it is impossible for the operators to come into contact in any manner with the nip of the rolls ;

(*b*) horizontal safety trip rods or tight wire cables across both front and rear, which will, when pushed or pulled, operate instantly to disconnect the power and supply the brakes, or to reverse the rolls;

(ii) Safety-trip rods or tight wire cables on rubber mills shall extend across the entire length of the face of the rolls and shall be located not more than 175 centimeters above the floor or working level.

(iii) Safety trip rods and tight wire cables on all rubber mills shall be examined and tested daily in the presence of the manager or other responsible person and, if any defect is disclosed by such examination and test, the mill shall not be used until such defect has been remedied.

3. *Calendering machines shall be equipped with.*—(*a*) horizontal safety trip rods or tight wire across both front and rear which will, when pulled or pushed, operate instantly to disconnect the power and apply the brakes, or to reverse the rolls;

(*b*) Safety-trip rods or tight wire cables on calender machines shall extend across the entire length of the face of the rolls and shall be located not more than 175 centimeters above the floor of working level;

(*c*) on each side of all calenders and near both ends of the face of the rolls there shall be a vertical tight wire cable connecting the bar tripping mechanism at the top and fastened to the frame within 30 centimeters of the floor. These cables should be positioned at a distance of not more than 30 centimeters from the face of the roll at a distance of not less than 2.5 centimeters from calender frame.

4. *Passage-ways for cranes.*—(i) to provide access to rail tracks of over-head travelling cranes suitable passage-ways of at least 50 cm. (20 in.) width with toe boards and double hand rails 90 centimeters (3 feet) high shall be provided alongside, and clear of, the rail tracks of overhead travelling cranes such that no machinery part of the crane

can strike persons on the ways, and the passage-way shall be at a lower level than the crane track itself. Safe access leaders shall be provided at suitable intervals to afford access to these passage-ways and from passage-ways to the rail tracks.

(ii) the State Government may in writing exempt any existing factory from the provisions of sub-rule (i) if by virtue of the construction of the factory it is impossible to provide such passage-way.

SCHEDULE IV.

Aerial openings on either side of the decorticator shall be securely fenced with expanded metal.

SCHEDULE V.

1. *Special Rule for Printing Presses.*—In printing works, every platen machine driven by power shall be fitted with an efficient finger guard and every guillotine machine driven by power with an efficient knife guard.

2. *Special Rule for Tea Factories.*—In tea factories, the roll-table shall be fenced to the satisfaction of the Inspector and brushes shall be provided to the workers for the purposes of sweeping the roll-tables.

3. *Special Rule for Brick and Tile Factories.*—In brick and tile works, a finger-guard shall be fitted at the feed end to the full length of the mould of every revolving press.

4. *Special Rule for Decorticating Factories.*—In decorticating Factories, the beater arms and the feed mouth of the decorticator shall, as far as practicable be guarded as follows:—

A grating of 19 millimeters diameter wrought iron rods spaced 6.45 centimeters apart and supported by iron stiffeners 5 centimeter×6 millimeters

thick shall be fixed at a height of 15 centimeters above the tip of the beater arms. A strong wooden plank 3.8 centimeter thick and iron plated on the underside shall be clamped with bolts and nuts over this grating leaving a space of 20 centimeters wide for the feeding of ground-nuts. A grating of 2.5 centimeters diameter wrought iron rod spaced 3.8 centimeter apart shall be fixed at a height of 12.7 centimeters just above the feed mouth and another wooden plank 22.9 centimeters wide shall be fixed over the full length of the decorticator platform.

5. *Special Rules of Power Presses.*—(1) *Definitions.*—For the purpose of this schedule, power press means a machine used in metal or other industries for blanking, rising drawing and similar processes.

(2) *Starting and stopping mechanism.*—The starting and stopping mechanism shall be provided with a safety stop so as to prevent over running of the Press or descent of the ram during tool setting, etc.

(3) *Protection of Tool and Die.*—

(*a*) Each Press shall be provided with a fixed guard with a slip plate on the underside enclosing the front and sides of the tool.

(*b*) each die shall be provided with a fixed guard surrounding its front and sides and extending to the back in the form of a tunnel through which the pressed article falls to the rear of the press.

(*c*) the design, construction, and mutual position or the guards referred to in (*a*) and (*b*) shall be such as to preclude the possibility of the workers' hand or fingers reaching the danger zone.

(*d*) the machine shall be fed through a small aperture at the bottom of the die guard, but a wider aperture may be permitted for second and subsequent operations if feeding is done through a chute :

Provided in the case of a machine or operation it is not possible to comply with the provisions of paragraph 3 alternative means of protection as approved by the Inspector shall be provided.

SCHEDULE VI.

All Factories.

1. Wherever practicable and deemed necessary by the Inspector service platforms and gang-ways shall be provided for overhead shafting and, where required by him these shall be securely fenced with guard-rails and toe-boards.

2. Safe access shall be provided to all bearings, clutches, belt shifting levers and all such other appliances which are required to be handled or operated while the machinery is at work.

3. All ladders used in replacing belts or in attending similar over head machinery shall be specially made for that work and provided with hooks or an effective non-skid device.

4. No transmission machinery in motion shall be cleaned with cotton waste, rags or similar materials held in hand.

5. All belts shall be regularly examined to ensure that joints are safe and the belts are kept in proper tension.

6. Each water-guage glass of a boiler shall be fitted with an efficient guard.

Rule prescribed under sub-section (2) *of Section* 23.

54. *Employment of young persons on dangerous Machinery.*—The following machines shall be deemed to be of such dangerous character that young persons shall not work at them unless the provisions of Section 23(1) are complied with :—

Power presses other than hydraulic presses ;
Milling machines used in metal trades ;
Guillotine machines ;
Circular saws ;
Platen printing machines ;
Decorticators ;
Oil Expellers ;
Band saws used in wood working ;
Planning machines used in wood working.

54-A. *Rules prescribed under sub-section* (3) *of Section* 26.—The following parts of machines shall be deemed to be machinery to be guarded by the makers for the purpose of Section 26(1):

(1) Back gears, change wheels and cog-drives of lathes,

(2) Back gears and level gearing of drilling machines,

(3) Gear wheels and level drives of planning, shaping, slotting and milling machines.

(4) All cogs and level drives of oil expellers.

55. *Rule framed under Section* 28.—(1) A register shall be opened with the following columns to record particulars of examinations of hoists and lifts :—

(i) Date of examination.
(ii) Number of hoists and lifts, if more than one.
(iii) Details of tests made.
(iv) Results of examinations.

(v) Signature of examiner.

(vi) Designation and qualification of the examiner.

(2) *Exemption of certain Hoists and Lifts.—Hoists Examinations—Particulars of.*—A register shall be maintained to record particulars of hoists or lifts and shall give particulars as shown in Form 32.

(3) In pursuance of the provisions of sub-section (4) of Section 28, in respect of any class or description of hoist or lift specified in the first column of the following schedule, the requirements of Section 28 qualified in the second column of the said schedule and set opposite to that class or description of hoist or lift shall not apply.

SCHEDULE

Class or description of Hoist or lift.—Hoists or lifts mainly used for raising materials for charging blast furnaces or lime kilns.

Hoists not connected with mechanical power and which are not used for carrying persons.

3. *Cranes and other lifting machinery.*—A register shall be maintained to record particulars of examinations of cranes and other lifting machinery and shall give particulars in Form No. 33.

55A. *Prescribed under sub-section (2) of Section 29.*—No lifting machine and no chain-rope or lifting tackle, except a fibre rope or rope sling shall be taken into use in any factory for the first time in that factory unless it has been thoroughly examined by a competent person and a certificate of such a test or examination specifying the safe working load or loads and signed by the person making the test and the examination has been obtained and is kept available for inspection.

55B. (i) Every jib-crane so constructed that safe working load may be varied by the raising or lowering of the jib, shall have attached thereto either an automatic indicator of safe working loads or an automatic jib angle indicator and a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(ii) A table showing the safe working loads of every kind of chain, rope or lifting tackle in use and, in the case of a multiple sling, the safe working loads at different angles of the legs, shall be posted in the store-room or placed where or in which chains, ropes or lifting tackles are kept and in prominent positoins on the premises and no chain, rope or lifting tackle not shown in the table shall be used. The foregoing provisions of this paragraph shall not apply in respect of any lifting tackle if the safe working load thereof, or in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it.

55C. The register to be maintained under Clause (*a*) (iii) of sub-section (1) of Section 29 of the Act shall be in Form 33.

The register shall be kept readily available for inspection.

55D. All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be or proper size and adequate strength and have an even running surface and every such rail or track shall be properly laid adequately supported and properly maintained.

55E. All chains and lifting tackle, except a rope-sling shall unless they have been subjected to such other heat treatment as may be approved by the Chief Inspector, be effectively annealed under the supervision of a competent person at the following intervals:—

(i) All chains, slings, rings and hooks, shackles and swivels used in connection with molten metal or molten slag

or when they are made of half inch bars or smaller, once at least in every six months ;

(ii) all other chains, rings, hooks, shackles, and swivels in general use once at least in every ewelve months :

Provided that chains and lifting tackle not in frequent use shall, subject to the Chief Inspector's approval, be annealed only when necessary. Particulars of such anneaiing shall be entered in a register (Form No. 33) prescribed under Rule 55C.

55F. Nothing in the foregoing Rule 55E shall apply to the following classes of chains and lifting tackles :—

(i) Chains made of malleable cast iron ;

(ii) Plate link chains ;

(iii) Chains, rings, hooks, shackles and swivels made of steel or of an non-ferrous metal.

(iv) Pitched chains, working or sprocket or pocketed wheels.

(v) Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.

(vi) Hooks and swivels having screw threaded parts or ball bearing or other case hardened parts.

(vii) Socket shackles secured to wire ropes by white metal capping.

(viii) Bordeaus connections.

(ix) Such chains and lifting tackle shall be thoroughly examined by a competent person once at least in every twelve months and particulars entered in Form No. 33.

55G. All lifting machines, chains, ropes and lifting tackle, except a fibre rope or fibre rope sling, which have been lengthened, altered or repaired by welding or otherwise, shall before being taken into use again, be adequately

re-tested and re-examined by a competent person and a certificate of such test and examination be obtained, and particulars entered in the register kept in accordance with Rule 55C.

55H. No person under 18 years of age and no person who is not sufficiently competent and reliable shall be employed as driver of a lifting machine whether driven by mechanical power or otherwise, or to give signals to a driver.

55I. *Passage ways for cranes.*—(i) To provide access to rail tracks of over-head travelling cranes suitable passage-ways of at least 50 cm. (20 in.) width with toe-boards and double hand rails 90 cm. (3 ft.) high shall be provided alongside, and clear of, the rail tracks of over-head travelling cranes, such that no moving part of the crane can strike persons on the ways, and the passage-way shall be at a lower level than the crane track itself. Safe access ladders shall be provided at suitable intervals to afford access to these passage-ways and from passage-ways to the rail tracks.

55J. The State Government may in writing exempt any existing factory from the provisions of sub-rule (i) if by virtue of the construction of the factory it is impossible to privide such a passage-way ".

56. *Prescribed under sub-section* (2) *of Section* 31—*Pressure Plant.*—(1) Every plant or machinery other than the working Cylinders of prime movers used in a factory, and operated at a pressure greater than atmospheric pressure, shall be :—

(*a*) of good construction, sound material, adequate strength and free from any patent defect ;

(*b*) Properly maintained in safe conditions.

(*c*) fitted with—

(i) a suitable safety valve or other effective device to ensure that the maximum permissible working pressure of the vessel shall not be exceeded ;

(ii) a suitable pressure guage easily visible and designed to show, at all times, the correct internal pressure in K.G. per square c.m. and marked with a prominent red mark at the safe working pressure of the vessel ;

(iii) a suitable stop valve or valves by which the part may be isolated from other vessels or sources of supply of pressure ;

(iv) a suitable drain cock or valve at the lowest part of the vessel for the discharge of the connected liquid.

(*d*) Thoroughly examined by a competent person :—

(1) Externally, once in every period of six months, to ensure general condition of the vessel and the working of its fittings, and,

(2) internally, once in every period of twelve months, to ensure condition of the walls, seems and ties, both inside and outside the vessel, soundness of the parts of the vessel, and the effects of corrosion. If by reason of construction of the vessel, a thorough internal examination is not possible, this examination may be replaced by hydraulic test which shall be carried out once in every two years. Provided that the vessels in continuous processes which cannot be frequently opened, the period of internal examination may be extended to four years.

(3) hydraulically tested at intervals of not more than four years provided that in respect of pressure vessels with thin walls such as sizing cylinders made of copper or any other non-ferrous metal ; periodical hydraulic test may be dispensed with on the condition that the requirements laid down in clause (2) are fulfilled :

Provided that it shall be sufficient for the purpose of clause (*a*) if the safety valve, pressure guage and stop valve

are mounted on a pipe line immediately adjacent to the vessel and where there is a range of two or more similar vessels in a plant served by the same pressure lead, only one set of such mountings need be fitted provided they cannot be isolated.

(2) (a) In respect of pressure vessels of thin walls, such as sizing cylinders made of copper or any other non-ferrous metal the safe working pressure shall be reduced at the rate of 5 per cent of the original working pressure for every year of its use after the first five years and no such cylinder shall be continued to be used for more than twenty years after it was first taken into use.

(*b*) If no information as to the date of construction, thickness of walls and safe working pressure is available the age of the sizing cylinder shall be determined by a competent person in consultation with the Chief Inspector from any other particulars available with the Manager.

(*c*) Every new and second hand cylinder of thin walls to which repairs, which may affect its safety have been carried out shall be tested before use to at least one and a half times its working pressure.

(3) Every vessels other than parts of a prime mover, operated at a pressure greater than atmospheric pressure and not so constructed as to withstand with safety the maximum permissible working pressure at the source of supply, or the maximum pressure which can be obtained in the pipe connecting the vessel with any other source of supply shall be fitted with a suitable reducing valve or other suitable automatic device to prevent the safe working pressure of the vessel being exceeded.

(4) In cases owing to the nature of the process of the action of tht contents of the vessel, a pressure guage or safety valve or both cannot work reliably, a tested and reliable working thermometer with a sufficient large scale, on which shall be clearly marked the Maximum permissible temperature in the vessel or pyrometers or ruptpre discs in

addition to the pressure guage and safety valve may be fitted as may be directed by the Chief Inspector.

(5) If during thorough examination, doubt arises as to the ability of vessel to work safely until the next examination provided for in these Rules, then the competent person shall enter in the register prescribed a reasoned statement to authorise the vessel for further work subject to a lowering of pressure or to a more frequent inspection or subject to both of these requirements.

(6) No vessel which has undergone alterations or repairs shall be taken into use unless it is thoroughly examined by a competent person.

(7) A report of the result of every examination made shall be completed in the prescribed Form 7 and signed by the person making the examination and shall be kept available for perusal by an Inspector at any time while the vessel is in service.

(8) No vessel which has previously been used shall be taken into use in any factory for the first time in the factory until it has been examined and reported in accordance with these Rules and no new vessel shall be taken into use unless there has been obtained from the maker of the vessel, or from a competent person, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the vessel and its fittings (if any) have been subjected, and the certificate is kept available for perusal by an Inspector and the vessel is so marked as to enable it to be identified to which the certificate relates.

(9) Where the report of any examination under this Rule specifies conditions for securing the safe working of a vessel, the vessel shall not be used except in accordance with these conditions.

(10) The competent person, making the report of any examination under this Rule, shall, within seven days of the completion of the examination, send to the Inspector a copy

of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the part cannot be continued to be used with safety unless certain repairs are carried out immediately or within a specified time.

(11) The requirements of this Rule shall be in addition to and not in derogation of the requirements of any other Act, Rules or Regulations.

(12) Nothing in this Rule shall apply to :—

(*a*) any vessel which comes within the scope of the Indian Boilers Act.

(*b*) metal bottles of cylinders used for the storage or transport of compressed gases or liquified or dissolved gases under pressure.

(13) The Chief Inspector may exempt, stipulating such conditions if necessary, any or all Pressure vessels from any or all the rules above if he has reason to believe that the construction or use of this Vessel is such that the inspection provisions are not necessary or are not practicable."

56A. *Water sealed Gasholder.*—(1) The expression "gasholder" means a water-sealed gasholder which has a storage capacity of not less than 141.5 cubic meters (5,000 cft.).

(2) Every gasholder shall be of adequate material and strength, sound construction and properly maintained.

(3) Where there is more than one gasholder in the factory every gasholder shall be marked in a conspicuous position with a distingushing number or letter.

(4) Every gasholder shall be thoroughly examined externally by a competent person at least once in a period of 12 months.

(5) In the case of gasholder of which any lift has been in use for more than 10 years the internal state of the sheeting shall, within one year of the coming into operation of

thtse rules and thereafter at least once in every period of four years, be examined by a competent person by means of electronic or other accurate devices :

Provided that if the Chief Inspector is satisfied that such electronic or other accurate devices are not available he may permit the cutting of samples from the crown and the sides of the holder :

Provided, further, that if the above inspection raises a doubt, an internal visual examination shall be made.

(6) All possible steps shall be taken to prevent or minimise ingress of impudities in the gasholder.

(7) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(8) (i) All sample discs cut under sub-rule 5 above, shall be kept readily available for inspection.

(ii) A permanent register in Form 36 duly signed by the occupier or manager shall be maintained giving the following particulars :—

(*a*) The serial number of the gasholder, *vide* Rule 3 above and the particulars of manufacture, *i.e.*, maker's name, date of manufacture, capacity, number of lifts, pressure, thrown by holder when full of gas.

(*b*) The date of inspection carried out as required under Rules 4 and 5 above and by whom carried out,

(*c*) The method of inspection used,

(*d*) Date of painting, etc.,

(*e*) Nature of repairs and name of persons carrying out repairs, and

(*f*) Remarks.

(iii) The results of examinations by a competent person carried out under sub-rules 4 and 5 shall be in the Form No. 37.

(9) The Inspector of Factories shall inspect the gas-holder at least once in a period of 12 months.

57. *Prescribed under sub-section* (2) *of Section* 34—*Excessive Weights.*—(1) No woman or young person shall unaided by another person lift, carry or move, by hand or on head, any material, articles, tool or appliance exceeding the maximum weight set out in the following schedule :—

SCHEDULE

Person		*Maximum Weight*
(a) Adult Female	..	30 K.G.
(b) Adoloscent Male	..	30 K.G.
(c) Adoloscent Female	..	20 K.G.
(d) Male Child	..	16 K.G.
(e) Female Child	..	14 K.G.

(2) No woman or young person shall engage, in conjunction with others, in lifting, carrying or moving by hand or on head, any material, article, tool or applieance, if the weight thereof exceeds the lowest weights fixed by the Schedule to sub-rule (1) for any of the persons engaged, multiplied by the number of persons engaged.

58. *Prescribed under Section* 35—*Protection of Eyes.*—Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of the following processes :—

(*a*) the processes specified in Schedule I annexed hereto, being processes which involve risk or injury to the eyes from particles or fragments thrown in the course of the process.

(*b*) the processes specifitd in Schedule II annexed hereto, being processes which involve risk of injury to the eyes by reason of exposure to excessive light.

SCHEDULE I.

Dry grinding of metal or articles of metal applied by hand to a revolving wheel or disc driven by mechanical power. Turning (external or internal) of non-ferrous metals or of cast iron or articles of such metals or such iron where the work is done dry, other than precision turning where use of goggles or a screen would seriously interfere with the work or turning by means of hand tools.

Welding or cutting of metals by means of an electric oxyacetylene or similar process.

The following processes when carried on by means of hand tools or other portable tools :—

Fettling of metal involving the removal of metal cutting out or cutting of cold rivets or bolts from boilers or other plant or from ships.

Chipping or scaling of boilers or ships plates.

Breaking or dressing of stone, concrete or slag.

Wood working machines and power forges.

SCHEDULE II.

Welding or cutting of metals by means of an electric oxyacetylene or similar process.

All processes in connection with glass melting furnaces.

59. *Prescribed under sub-section 6 of Section* 36.—*Minimum Diamensions of Manholes.*—Every chamber, tank, vat, pipe, flue or other confined spaces which persons may have to enter and which may contain dangerous fumes to such an extent as may involve risk of the person being overcome thereby, shall unless there is other effective means of egress, be provided with a manhole which may be rectangular, oval or circular in shape and which shall :—

(*a*) in the case of a rectangular or oval shape, be not less than 40 cm. long and 30 cm. wide.

(*b*) In the case of a circular shape, be not less than 40 cm. in diameter.

60. *Prescribed under sub-section 5 of Section 37.*—*Exemptions.*—The requirements of sub-section (4) of Section 37 shall not apply to the following processes carried on in any factory :—

(*a*) the operation of repairing a water-sealed gasholder by the electric welding process subject to the following conditions :—

(i) the gasholder shall contain only the following gases, separately or mixed at a pressure greater than atmospheric pressure, namely, town gas, coke oven gas, producer gas, blast furnace gas, or gases, other than air, used in their manufacture :

Provided that this exemption shall not apply to any gasholder containing acetylene or mixture of gases to which acetylene has been added intentionally.

(ii) Welding shall only done by the electric welding process and shall be carried out by experienced operatives under constant supervision of a competent person.

(*b*) The operations of cutting or welding steel or wrought iron gas mains and services by the application of heat, subject to the following conditions :—

(i) The main or service shall be situated in the open air and it shall contain only the following gases, separately or mixed at a pressure greater than atmospheric pressure namely, town gas, coke oven gas, producer gas, blast furnace gas, or gases, other than air, used in their manufacture.

(ii) the main or service shall not contain acetylene or any gas or mixture of gases to which acetylene has been added intentionally.

(iii) the operation shall be carried out by an experienced person or persons and at least two persons (including those carrying out the operations) experienced in work on gas mains and over 18 years of age shall be present during the operation.

(iv) the site of the operation shall be free from any inflammable or explosive gas or vapour.

(v) where acetylene gas is used as a source of heat in connection with an operation, it shall be compressed and contained in a porous substance in a cylinder; and

(vi) prior to the application of any flame to the gas main or service, this shall be pierced or drilled and the escaping gas ignited,

(c) The operation of repairing an oil tank on any ship by the Electric Welding process, subject to the following conditions:—

(i) The only oil contained in the tank shall have a flash point of not less than 150°F (close test) and a certificate to this effect shall be obtained from a competent analyst;

(ii) The analyst's certificate shall be kept available for inspection by an Inspector or by any person employed or working on the ship;

(iii) The welding operation shall be carried out only the exterior surface of the tank at a place (*a*) which is free from oil or oil leakage in inflammable quantities and (*b*) which is not less than one foot below the nearest part of the surface of the oil within the tank; and

(iv) Welding shall be done only by the electiric welding and shall be carried out by exprienced operatives under the constant supervision of a competent person.

61. *Prescribed under sub-section* (1) *of Section* 38.—*Means of Escape in case of fire.*—(1) Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein, and without prejudice to the generality of the foregoing :—

(*a*) Each room of a factory building shall in relation to its size and the number of persons employed in it be provided with an adequate number of exits for use in case of fire though not necessarily confined to such use, so positioned that each person will have a reasonably free and unobstructed passage from his workplace to an exit.

(*b*) No exit intended for use in case of fire shall be less than 1.2 meters in width nor less than 2 meters in height.

(*c*) In the case of a factory building or part of a factory building of more than one storey and in which not less than twenty persons work at any one time, there shall be provided at least one substantial stairway permanently constructed either inside or outside the building and which affords direct and un-impeded access to ground level.

(*d*) In the case of a factory building or part of a factory building in which twenty or more persons work at any one time above the level of the ground floor, and wherein explosive or highly inflammable materials are used or stored, or which is situated below ground level, the means of escape shall include at least two separate and substantial stairways permanently constructed either inside or outside the building and which afford direct and unimpeded access to ground level.

(*e*) Every stairway in a factory which affords a means of escape in case of fire shall be provided

with a substantial handrail which if the stairway has an open side shall be on that side and if the stairway has two open sides, such handrail shall be provided on both sides.

(2) In the case of a building constructed or converted for use as a factory after the date of the passing of the Act the following additional requirements shall apply :—

(*a*) at least one of the stairways provided shall be of fire resisting materials ;

(*b*) Every hoist-way or lift-way inside a factory building shall be completely enclosed with fire resisting materials and all means of access to the hoist or lift shall be fitted with doors of fire resisting materials :

Provided that any such hoist-way or lift-way shall be enclosed only at the top by some material easily broken by fire or be provided with a vent at the top.

(*c*) No fire escape stair shall be constructed at an angle greater than 45° from the horizontal.

(*d*) No part of a factory building shall be farther (along the line of travel) than 45 meters from any fire escape stair.

(*e*) No stairway shall be less than 1.14 meters in width.

(3) *A. Explanation.*—For the purpose of this Rule, "Fire-resisting Material" means :—

(*a*) properly constructed brick work not less than 12 cms. in thickness ; or

(*b*) concrete not less than 7.5 cms. in thickness ; or

(*c*) efficiently joined breeze slabbing not less than 7.5 cms. in thickness ; or

(*d*) glass not less than 6.35 mm. in thickness in the centre of which wire mesh is embedded ; or

(*e*) wood completely and securely covered on both sides with compressed asbestos not less than 6.35 mm. in thickness; or

(*f*) iron or steel; or

(*g*) any other material approved in writing by the Chief Inspector.

B. In every factory building in which workers are ordinarily employed and which is more than one storey high and which has a floor area of more than 93 sq.m. other than those which:—

(*a*) are entirely of fire proof construction, and

(*b*) contain no fittings or equipment of wood or other inflammable material, and in which;

(*c*) no inflammable material is stored or used, the manager shall provide fire extinguishing apparatus as follows:—

(i) Buckets at a rate of not less than one for every 140 sq.m. of floor area subject to a minimum of one extinguisher on any floor having an area in excess of 93 sq.m.

(ii) chemical extinguishers at the rate of not less than one for every 557 sq.m. of floor area subject to a minimum of one extinguisher on any floor having an area in excess of 93 sq.m.

C. Every bucket provided under clause B of sub-rule (3) shall:—

(*a*) be of not less than 9.1 litres capacity of substantial make, shall have its base so pointed or rounded that it cannot stand upright on a flat surface and shall be painted scarlet on the outside, and

(*b*) be kept in a position approved by the Inspector, and shall be used for no other purpose than fire extinction, and

(*c*) at all times be kept full of water, except where the principal fire risk arises from oil or spirit when it shall be kept full of sand or mixture or saw-dust and soda.

D. Every chemical extinguisher provided under clause B of sub-rule (3) shall be in accordance with sub-rule (4) and shall be kept properly mounted in a position approved by the Inspector :—

Provided that in the case of—

(*a*) any single storey building in which the Chief Inspector deems the risk of injury to the workers from an outbreak of fire to be negligible, or

(*b*) a building for which is provided ample and constantly available supply of water at a head sufficient to through a jet from the ground to the highest point of the building, together with sufficient hydrants, hose and nozzles, or

(*c*) a building or room sufficiently equipped with a sprinkling or drenching apparatus approved by any recognised association of fire insurance companies or under-writers,

the Chief Inspector may by order in writing exempt the manager from all or any of the provisions of this sub-rule in respect of that building or room on such conditions as he may think fit.

(4) *A*. Every chemical fire extinguisher provided under sub-rule (3) shall—

(*a*) have a capacity of not less than 9.1 litres and shall be of a make approved by a recognised association or fire insurance companies or under-writers, and

(*b*) be kept charged and ready for use, properly mounted in a position approved by the

Inspector and accompanied by the maker's printed instructions for its use, and

(*c*) be examined, tested or discharged periodically in accordance with the maker's recommendations.

B. In every factory in which chemical fire extinguishers are provided, the manager shall provide and retain in safe keeping spare charges at the rate of one for each extinguisher of any one type, subject to a minimum of two spare charges for each type of extinguisher provided.

(5) *Special provision for match factories*.—In Match factories—

(i) the residue of the head composition shall not in any way be mixed with the residue of friction composition ;

(ii) the rooms comprising the two mixing departments namely, (*a*) head composition, and (*b*) friction composition, shall be entirely separated from each other and the drains from these two departments shall be kept entirely separate ;

(iii) rubbish containing the residues of the head composition and friction composition shall be kept and burnt separately ;

(iv) departments in which completed matches (matches with heads on) are stored shall be separated from all other departments by means of fire-proof walls and doors providing adequate means of escape in case of fire, provided that the Chief Inspector may, subject to such conditions as he may deem necessary exempt any factory in existence on 1st January, 1935 from the provisions of this clause ;

(v) splints, veneers and other materials required in excess of the quantity required for the day's manufacture shall be kept in separate rooms of the factory where no manufacturing

process is carried on. No manufactured material shall be stored anywhere in the factory compound for more than five days after the manufacture except in the storage godown :

Provided that nothing contained in this clause shall apply to splints and veneers in cases stored in peeling and box-making departments ;

(vi) store rooms for matches shall be entirely separated by fire-proof walls from the buildings used for manufacture.

Buildings and Structures.—No buildings, wall, chimney, bridge, road, gallery, stairway, ramp, floor, platform, staging or structure whether of a permanent or temporary character shall be constructed, situated or maintained in any factory, in such manner as to cause risk of bodily injury.

Railways.—No railway or other electrical or mechanical means of transport within the precincts of factory. shall be constructed, situated, operated or maintained in such a manner as to cause risk or bodily injury :

Provided that the Inspector shall not accept any such Railway or means of transport if it is so designed, maintained or operated as to contravene the provisions of any other Act.

Machinery and Plant.—No machinery, plant, or equipments shall be constructed, situated, operated or maintained in any factory in such a manner as to cause risk of bodily injury.

Methods of work.—No process of work shall be carried on in any factory in such a manner as to cause risk of bodily injury.

Stocking and storing of materials, etc.,—No material or equipment shall be stocked or stored in such a manner as to cause risk of bodily injury.

Tight fitting cloth.—A Dhoti wrapped around the body in any manner shall not be deemed to be tight fitting cloth ing within the meaning sub-section (1) of Section 22.

61-A. *Fire Fighting Apparatus and Water Supply.*— (1) In every factory there shall be provided and maintained the following fire fighting equipment :—

(*a*) Two fire buckets of not less than 2 gallon capacity for every 1,000 sq.ft. of floor area subject to minimum of four buckets on each floor.

(*b*) Every bucket provided under this sub-rule shall—

(i) conform to appropriate Indian Standards Specification ;

(ii) be kept in a position approved by the Inspector and shall be used for no other purpose than fire extinguishing ; and

(iii) at all times be kept full of water, but if the principal fire risk arises from inflammable liquid or other substances where water cannot be used, it shall be kept full of clear fine, dry sand, stone dust or other inert material :

Provided that where the Chief Inspector is of the opinion that other adequate fire fighting apparatus is provided in the factory building or room, he may issue a certificate in writing (which he may at his discretion revoke) specifying the extent to which the above requirements are relaxed in respect of that building or room.

(2) In every factory, adequate provision of water supply for fire fighting shall be made and where the amount of water required in gallons per minute, as calculated from the formula A+B+C+D divided by 1,000, is 120 gallons or more, power driven trailer pumps of adequate capacity to meet the requirement of water as calculated above shall be provided and maintained.

In the above formula,—

A=the total area in sq.ft. of all floors including galleries in all buildings of the factory ;

B = the tital area in sq.ft. of all floors and galleries including open spaces in which cumbustible materials are handled or stored ;

C = the total area in sq.ft. of all floors over 50 feet above ground level ; and

D = the total area in sq.ft. of all floors of all buildings other than those of fire resisting construction :

Provided that in areas where the fire risk involved does not require use of water, such areas under B, C or D may, for the purpose of calculation, be halved :

Provided further that where the areas under B, C or D are protected by permanent automatic fire-fighting installations approved by any fire association or fire insurance company, such areas may, for the purpose of calculation, be halved :

Provided also that where the factory is situated at not more than 2 miles from an established city or town fire services, the pumping capacity based on the amount of water arrived at by the formula above may be reduced by 25 per cent but no account shall be taken of this reduction in calculating water supply required under sub-rule 7.

(3) Each Trailer Pump shall be provided with equipment as per Schedule A. Such equipment shall conform to Indian Standards specifications wherever they exist.

(4) Trailer pumps shall be housed in a separate shed/sheds which shall be sited close to a principal source of water supplies in the vicinity of the main risks of the factory.

(5) In factories where the area is such as cannot be reached by man-hauling or trailer pumps within reasonable time, vehicles with towing attachment shall be provided at the scale of one for every four trailer pumps with a minimum of one such vehicle kept available at all times.

(6) Water supply shall be provided to give flow of water as required under sub-rule (2) for at least 100 minutes.

At least 50 per cent of this water supply or 1 lakh gallons whichever is less, shall be, in the form of static tanks of adequate capacities (not less than 10,000 gallons each) distributed round the factory, with due regard to the potential fire risks in the factory. (Where piped supply is provided, the size of the mains shall not be less than 6" diameter and it shall be capable of supplying minimum of 1,000 gallons per minute at a pressure of not less than 10 lbs. per square inch).

(7) (*a*) In factories having more than 1,000 sq.ft. floor area and where fire may occur due to combustible materials other than inflammable liquids, electrical equipment and ignitable metals, soda acid or equivalent type of portable extinguishers at the rate of one for every 5,000 sq.ft. area spaced at not more than 100 ft. apart subject to the minimum of one extinguisher shall be provided in addition to fire buckets required under sub-rule (1).

(*b*) In factories where fires may occur due to inflammable liquids or grease or paint, the extinguishers to be provided at the scale laid down in clause (*a*) shall consist of foam, carbon, tetrachloride, dry powder, carbondioxide, chlorobromemethane or other equivalent type.

(*c*) In factories where fires may occur due to electrical equipment, the extinguisher to be provided at the scale laid in clause (*a*) shall consist of carbondioxide, dry power, carbon tetrachloride or equivalent types.

(*d*) In factories where fires may occur due to magnesium alluminium or zinc dust or shavings of other ignitable metals the use of liquids, carbondioxide and foam type extinguishers shall be prohibited and an ample supply of clean, fine, dry sand, stone dust or other inert material shall be kept ready for segregating such fires.

(*e*) Every type of portable fire extinguisher shall be kept mounted in a position approved by the Inspector :

Provided that where the Chief Inspector is of the opinion that other adequate fire fighting apparatus or permanent automatic fire fighting installations approved by

any recognised Fire Association or Fire Insurance Company, are provided in the factory building or room, he may issue a certificate in writing (which he may at his discretion, revoke) specifying the extent to which the above requirements are relaxed in respect of that building or room.

(8) (*a*) Every protable fire extinguisher to be provided under sub-rule (9) shall:—

(i) conform to the appropriate Indian Standards Specifications,

(ii) be kept charged ready for use, properly mounted in a position approved by the Inspector and accompanied by the maker's printed instruction for its use, and

(iii) be examined, tested or discharged periodically in accordance with the makers recommendation.

(*b*) The manager of every factory shall keep and maintain sufficient number of spare charges for each type of extinguisher provided in the factory with a minimum of 12 spare charges always in stock and readily available.

(9) Each factory shall detail a trained officer, who shall be responsible for the proper maintenance and upkeep of all fire fighting equipments.

SCHEDULE A

(A) Equipment for Trailer Pumps

For light trailer pump (120—150 *g.p.m.*)

30 ft. length of armoured suction hose, with wrenches.
1 Metal suction strainer
1 Basket strainer
1 Two-way suction collecting-head
1 suction adaptor
10 75-ft. length of unlined 2½ inches delicvery hose complete with quick release couplings.
1 Dividing Breeching-piece
2 Branch-piece with 5/8 in. nozzles
1 Diffuser Nozzle
1 Standpipe with blank cap

1 Hydrant key
4 Collapsible canvas buckets
1 Fire hook, (Preventor) with cutting edge
1 C.T.C. Extinguisher $\frac{1}{4}$ gallon capacity
1 100 ft. length of 1-in. manila rope
1 30-ft. extension ladder (where necessary).
1 Heavy axe
1 spade
1 Pick Axe
1 Crowbar
1 Saw
1 Hurricane lamp
1 Electric Torch
1 pair Rubber Gloves

(B) For large trailer Pump (350 –500 *g.p.m.*).

30 ft. length of armoured suction hose, with wrenches.
1 Metal strainer
1 Basket strainer
1 Three-way suction collecting-head
1 Suction adaptor
14 75 ft. lengths of unlined canvas 2½ inch delivery hoses complete with quick-release couplings.
1 Living breeching-piece
1 Collecting breeching-piece
4 Branch pipes with one 1 inch, two $\frac{3}{4}$ inch and one diffuser nozzles.
2 Standpipe with blank caps
2 Hydrant keys
6 Collapsible canvas buckets
1 Ceiling hook (Preventor) with cutting edge
1 C.T.C. Extinguisher $\frac{1}{4}$ gallon capacity
1 100-ft. length of 2 inch manila rope
1 30 ft. extension ladder (where necessary).
1 Pair Rubber Gloves
1 Heavy axe
1 Spade
1 Pick Axe
1 Crowbar
1 Saw
2 Hurricane Lamps
1 Electric Torch

Note :—If it appears to the Chief Inspector of Factories that for any factory the provision of breathing apparatus is necessary he may by order in writing require the occupier to provide suitable breathing apparatus in addition to the equipment for light trailer pump or large trailer pump as the case may be.

61B. *Prescribed under sub-section 7 of Section 38.—Means of escape for Cotton Ginning Factories.*—Notwithstanding anything contained in Rule 61, cotton ginning factories shall be provided with at least two suitable earthern ramps or two flights of stairs made of brick work or other fire resisting material.

61C. *Prescribed under Section 41—Ladder.*—All ladders used in replacing belts shall be specially made and reserved for that work and provided with hooks or an effective non-skid device. Ladders provided with hooks must have hooks fitted in such suitable position that they rest on the shaft when the bottom of the ladder is resting on the floor.

61D. *Protection of workers attending to Prime movers.*—(1) In every factory the work of oiling or attending to prime movers shall be done only by a specially trained adult male worker authorised to do such work whose name has been recorded in the register maintained in Form 34.

(2) Every such person while oiling or attending to a prime mover shall wear tight fitting clothing.

(3) A worker required to wear tight fitting clothing under sub-rule (2) shall be provided by the occupier with clothing which shall consist of at least a pair of tightly fitting shirts and a tightly fitting half-sleeved shirt or vest. Such clothing shall be returned to the occupier on termination of service or when new clothing is provided.

CHAPTER V

WELFARE

62. *Rule prescribed under sub-section 2 of Section 42—Washing Facilities.*—(1) There shall be provided and maintained in every factory for the use of employed persons adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

Without prejudice to the generality of the foregoing provisions the washing facilities shall include.

(a) a trough with taps or jets intervals of not less than 61 cms., or

(*b*) wash-basins with taps attached thereto, or

(*c*) Taps on stand-pipes, or

(*d*) showers controlled by taps, or

(*e*) circular trough of the fountain type, provided that the Inspector may, having regard to the needs and habits of the workers, fix the proportion in which the aforementioned types of facilities shall be installed.

(3) (*a*) every trough and basin shall have a smooth impervious surface and shall be fitted with a waste-pipe and plug.

(*b*) the floor of ground under and in the immediate vicinity of every trough, tap, jet, wash-basin, stand pipe and shower shall be so laid or finished as to provide a smooth impervious surface and shall be adequately drained.

(4) For person whose work involves contact with any injurious or noxious substance there shall be at least one tap for every fifteen persons; and for persons whose work does not involve such contact the number of taps shall be as follows:—

Number of workers	Number of taps
Up to 20 ...	1
21 to 35 ...	2
36 to 50 ...	3
51 to 150 ...	4
151 to 200 ...	5
Exceeding 200 but not exceeding 500 ...	5 *plus* one tap for every 50 or fraction of 50.
Exceeding 500 ...	11 *plus* one tap for every 100 or fraction of 100.

(5) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For Women only" and shall also be indicated pictorially.

(6) The water supply-to the washing facilities shall be capable of yielding at least 27 litres a day for each person employed in the factory and shall be from a source approved in writing by the Health Officer; Provided that where the Chief Inspector is satisfied that such an yield is not practicable he may by certificate in writing permit the supply of a smaller quantity not being less than 4.54 litres per day for every person employed in the factory:—

62A. *Facilities for storing and drying clothing.*—*All* classes of factories mentioned in the Schedule annexed hereto, shall provide facilities for keeping clothing not worn during working hours and for the drying of wet clothing. Such facilities shall include the provisions of separate rooms, Chief Inspector.

SCHEDULE

Engineering Workshops
Iron and Steel Works
Oil Mills,
Chemical Factory
Automobile workshops
Tanneries.

63. *Prescribed under sub-section* (1) *of Section* 45—*First Aid Appliance.*—The first aid boxes or cupboards shall be distinctively marked with a red cross on a white ground and shall contain the following equipment:—

(A) For factories, in which the number of persons employed does not exceed ten, or (in the case of Factories

in which mechanical power is not used) does not exceed fifty persons—Each First Aid Box or cupboard shall contain the following equipment :—

(i) Six small sterilized dressings.
(ii) Three medium size sterilized dressings.
(iii) Three large size sterilized dressings.
(iv) Three large size sterilized burn dressings.
(v) One (30 CC) bottle containing a two per cent alcoholic solution of iodine.
(vi) One (30 CC) bottle containing sal-volatile having the doze and mode of administration indicated on the lable.
(vii) A snake-bite lancet.
(viii) One (30 CC) bottle of potassium permanganate crystals.
(ix) One pair scissors.
(x) One copy of the first aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xi) Eye Drops.

(B) For factories, in which mechanical power is used and in which the number of persons employed exceeds ten but does not exceed fifty—Each Frst Aid Box or Cupboard shall contain the following equipments :—

(i) Twelve small sterilized dressings.
(ii) Six medium size sterilized dressings.
(iii) Six large size sterilized dressings.
(iv) Six large size sterlized burn dressings.
(v) Six (14 grams) packets sterilized cotton wool.
(vi) Six (60 CC) bottle containing a two per cent alcoholic solution of iodine.
(vii) One (60 CC) bottle containing sal-volatile having the dose and mode of administration indicated on the lable.
(viii) One roll of adhesive plaster.
(ix) A snake-bite lancet.

(x) One (30 CC) bottle of potassium permanganate crystals.
(xi) One pair of scissors.
(xii) One copy of first Aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xiii) Eye drops.

(C) For factories employing more than fifty persons.—Each First Aid Box or cupbord shall contain the following equipment :—

(i) Twenty-four small sterilized dressings.
(ii) Twelve medium size sterilized dressings.
(iii) Twelve large size sterilized dressings.
(iv) Twelve large size sterilized burn dressings.
(v) Twelve (14 grams) packets sterilized cotton wool.
(vi) A snake bite lancet.
(vii) One pair scissors.
(viii) Two (30 CC) bottles of potassium permanganate crystals.
(ix) One (120 CC) bottle containing a two per cent alcoholic solution of iodine.
(x) One (120 CC) bottle of sal-volatile having the dose and mode of administration indicated on the lable.
(xi) One copy of the First-Aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xii) Twelve roller bandages, 10 cm. wide.
(xiii) Twelve roller bandages, 5 cm. wide.
(xiv) Two rolls of adhesive plaster.
(xv) Six triangular bandages.
(xvi) Two packets of safety pins.
(xvii) A supply of suitable splints.
(xviii) One tournequet.
(xix) Eyedrops.
(xx) Aspirin (5 Gr. Tablets).
(xxi) Ointment for burns.
(xxii) A suitable surgical antiseptic solution.

(x) One (30 CC) bottle of potassium permanganate crystals.
(xi) One pair of scissors.
(xii) One copy of first Aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xiii) Eye drops.

(C) For factories employing more than fifty persons.—Each First Aid Box or cupbord shall contain the following equipment :—

(i) Twenty-four small sterilized dressings.
(ii) Twelve medium size sterilized dressings.
(iii) Twelve large size sterilized dressings.
(iv) Twelve large size sterilized burn dressings.
(v) Twelve (14 grams) packets sterilized cotton wool.
(vi) A snake bite lancet.
(vii) One pair scissors.
(viii) Two (30 CC) bottles of potassium permanganate crystals.
(ix) One (120 CC) bottle containing a two per cent alcoholic solution of iodine.
(x) One (120 CC) bottle of sal-volatile having the dose and mode of administration indicated on the lable.
(xi) One copy of the First-Aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xii) Twelve roller bandages, 10 cm. wide.
(xiii) Twelve roller bandages, 5 cm. wide.
(xiv) Two rolls of adhesive plaster.
(xv) Six triangular bandages.
(xvi) Two packets of safety pins.
(xvii) A supply of suitable splints.
(xviii) One tournequet.
(xix) Eyedrops.
(xx) Aspirin (5 Gr. Tablets).
(xxi) Ointment for burns.
(xxii) A suitable surgical antiseptic solution.

(D) In lieu of the dressings required under items (i) and (ii) there may be substituted adhesive wound dressings approved by the Chief Inspector of Factories.

64. *Prescribed under sub-section* (3) *of Section* 45—*Ambulance Room.*—(1) The Ambulance Room or dispensary shall be in charge of a qualified Medical Practitioner assisted by at least one qualified nurse and such subordinate staff as the Chief Inspector may direct.

(2) The Ambulance Room or dispensary shall be separate from the rest of the factory and shall be used only for the purpose of first aid treatment and rest. It shall have a floor area of at least 23 square m. and smooth (hard and impervious walls and floor and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be laid on and the room shall contain at least :—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top at least 1.83 M.× 1.07 M.
(iii) Means for sterilizing instruments.
(iv) A Couch.
(v) Two stretchers.
(vi) Two buckets or containers with close fitting lids.
(vii) Two rubber hot water bags.
(viii) A kettle and spirit stove or other suitable means of boiling water.
(ix) Twelve plain wooden splints 91 cm.×10 cm.× 6.4 mm.
(x) Twelve plain wooden splints 35 cm.×10 cm.× 6.4 mm.
(xi) Six plain wooden splints 25.4 cm.×5 cm.× 12.7 mm.
(xii) Six woollen blankets.
(xiii) One pair artery forceps.
(xiv) One bottle of brandy.

(xv) Two medium size sponges.
(xvi) Six hand towels.
(xvii) Four "Kedney" trays.
(xviii) Four cakes carbolic soap.
(xix) Two glass tumblers and two wine glasses.
(xx) Two Clinical Thermometers.
(xxi) Graduated measuring glass with teaspoon.
(xxii) One eye bath.
(xxiii) One bottle 0.91 K.G. carbolic lotion 1 in 20.
(xxiv) Three chairs.
(xxv) One screen.
(xxvi) One electric hand torch.
(xxvii) Four first aid boxes or cupboards stocked to the standards prescribed under item C of Rule 63.
(xxviii) An adequate supply of anti-tatanus serum.

(3) The occupier of every factory to which these Rules apply shall, for the purpose of removing serious cases of accident or sickness, provide in the premises and maintain in good condition a suitable conveyance unless he has made arrangements for obtaining such a conveyance from a hospital.

(4) A record of all cases of accidents and sickness treated at the room shall be kept and produced to the Inspector or Certifying Surgeon when required.

65. *Rules 65 to 71 prescribed under Section 46—Canteens.*—(1) The occupier of every factory notified by the State Government, and wherein more than two hundred and fifty workers are ordinarily employed shall provide in or near the factory an adequate canteen according to the standards prescribed in these rules.

(2) The Manager of a factory shall submit for the approval of the Chief Inspector plans and site plan, in duplicate of the building to be constructed or adopted for use as a canteen.

(3) The canteen building shall be situated not less than 15 meters from any latrine, urinal, boiler house, Coal stocks,

ash dumps and any other source of dust, smoke or obnoxious fumes.

Provided that the Chief Inspector may in any particular factory relax the provisions of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essential purpose of this sub-rule.

(4) The canteen building shall be constructed in accordance with the plans approved by the Chief Inspector and shall accommodate at least a Dining Hall, Kitchen, Store Room, Pantry and W shing places separately for workers and for utensils.

(5) In a canteen the floor and inside walls upto a height of 1.2 Meters from the floor shall be made of smooth and impervious material; the remaining portion of the inside walls shall be made smooth by cement plaster or in any other manner approved by the Chief Inspector.

(6) The Doors and Windows of a canteen building shall be of fly-proof construction and shall allow adequate ventilation.

(7) The canteen shall be sufficiently lighted at all times when persons have access to it.

(8) (*a*) In every canteen:—

(i) all inside walls of rooms and all ceilings and passages and staircases shall be limewashed or colour-washed at least once in each year or painted once in three years dating from the period when last lime-washed, or painted, as the case may be;

(ii) all wood work shall be varnished or painted once in three years dating from the period when last varnished or painted;

(iii) all internal structural iron or steel work shall be varnished or painted once in three years dating from the period when last varnished or painted;

Provided that inside walls of the kitchen shall be lime-washed once every four months.

(*b*) Records of dates on which lime-washing, colour-washing varnishing or painting is carried out shall be maintained in the prescribed Register (Form No. 6).

(9) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangement shall be made for the collection and disposal of garbage.

66. *Dining Hall.*—(1) The Dining Hall shall accommodate at a time at least 30 per cent of the workers working at a time :

Provided that in any particular factory or in any particular class of factories, the State Government may by notification in this behalf alter the percentage of workers to be accommodated.

(2) The floor area of the Dining Hall, excluding the area occupied by the service counter and any furniture except tables and chairs, shall be not less than 0.93 sq.m. per diner to be accommodated as prescribed in sub-rule (1).

(3) A portion of the Dining Hall and service counter shall be partitioned off and reserved for women workers in proportion to their number, Washing places for women shall be separate and screened to secure privacy,

(4) Sufficient tables, chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub-rule (1).

67. *Equipment.*—(1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

(2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service

counter if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

(3) Where the canteen is managed by a Co-operative Society registered under the Mysore Co-operative Societies Act, the Occupier shall provide the initial equipment for such canteen and shall undertake that any equipment required thereafter for the maintenance of such canteen shall be provided by such Co-operative Society.

68. *Prices to be charged.*—(1) Food, Drink and other items served in the Canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee.

(2) Items served in the canteen and their prices shall be conspicuously displayed in the canteen.

69. *Accounts.*—(1) All books of Accounts, registers and any other documents used in connection with the running of the canteen shall be produced on demand to an Inspector of Factories.

(2) The accounts pertaining to the Canteen shall be audited, once every twelve months, by registered accountants and auditors. The balance sheet prepared by the said auditors shall be submitted to the Canteen Managing Committee not later than two months after the closing of the audited accounts :

Provided that the accounts pertaining to a canteen in a Government Factory having its own Accounts Department, may be audited by such Department :

Provided further that where the canteen is managed by a Co-operative Society registered under the Mysore Co-operative Societies Act, the accounts pertaining to such canteen may be audited in accordance with the provisions of the Mysore Co-operative Societies Act.

70. *Canteen Managing Committee.*—(1) The Manager shall appoint a Canteen Managing Committee which shall be consulted from time to time as to :—

(*a*) the quality and quantity of food stuffs to be served in the canteen ;

(*b*) the arrangement of the menus ;

(*c*) times of meals in the canteen ; and

(*d*) any other matter may be directed by the Committee :

Provided that where the canteen is managed by a Co-operative Society registered under the Mysore Co-operative Societies Act, 1948, it shall not be necessary to appoint a Canteen Managing Committee.

(2) The Canteen Managing Committee shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory, provided that in no case shall there be more than 5 or less than 2 workers on the Committee.

(3) The Manager shall determine and supervise the procedure for elections to the Canteen Managing Committee.

(4) The Canteen Managing Committee shall be dissolved by the Manager two years after the last election, no account being taken of a bye-election.

71. Food-stuffs to be served and prices to be charged-while issuing Rules or directions regarding the food-stuffs to be served and the charges to be made therefor, the Chief Inspector of Factories shall take into consideration the menu in vogue in the region concerned and exclude rent for the land and building, interest on the amounts spent on the provision and maintenance of furniture and equipment provided for the canteen, depreciation charges, electric charges and the element of profit. This shall be done in consultation with the Canteen Managing Committee :

Provided that where the canteen is managed by a Co-operative Society registered under the Mysore Co-operative Societies Act, such society may be allowed to include in the charges to be made for the food-stuffs served, a profit upto 5 per cent on its working capital employed in running the canteen.

72. *Prescribed under Section* 47—*Shelters, Rest Rooms and Lunch Rooms.*—(1) This rule shall come into force, in respect of any class or description of factories, on such dates as the State Government may, by notification in the official gazette, appoint in this behalf.

(2) The shelters, or rest rooms and lunch rooms shall conform to the following standards and the manager of a factory shall submit for the approval of the Chief Inspector a site plan in duplicate for the building to be constructed or adopted :—

(*a*) the building shall be soundly constructed and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. The floor and walls to a height of 1 Meter shall be so laid or finished as to provide a smooth, hard and impervious surface.

(*b*) The height of every room in the building shall not be less than 3.7 Meters from floor level to the lowest part of the roof and there shall be at least 1.1 square meter of floor area for every person employed. Provided that (i) workers who habitually go home for their meals during the rest periods may be excluded in calculating, the number of workers to be accommodated, and (ii) in the case of factories in existence at the rate of commencement of the Act, where it is impracticable, owing to lack of space to provide 1.1 sq.M. of floor area for each person, such reduced floor area per person shall be provided as may be approved in writing by the Chief Inspector.

(*c*) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

(*d*) Every room shall be adequately furnished with chairs or benches with back-rests.

(*e*) Sweepers shall be employed whose primary duty it is to keep the rooms, building and precincts thereof in a clean and tidy condition.

(*f*) Where in any factory washing facilities are not located near the rest or lunch-room a sufficient number of wash basins shall be provided in the lunchroom.

73. *Rules 73–76 prescribed under sub-section* (3) *of Section* 48—*Creches.*—(1) The Creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable it shall not be situated in close proximity to any part of the factory where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.

(2) The building in which the creche is situated shall be soundly constructed and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. The floor and internal walls of the creche shall be so laid or finished as to provide a smooth impervious surface.

(3) The height of the rooms in the building shall be not less than 3.7 meters from the floor to the lowest part of the roof and there shall not be less than 1.86 sq.M. of floor area for each to be accommodated.

(4) Effective and suitable provision shall be made in every part of the creche for securing and maintaining adequate ventilation by the circulation of fresh air.

(5) The creche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child (Provided that for children over two years of age it will be sufficient if suitable bedding is made available), at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child,

and a sufficient supply of suitable toys for the older children.

(6) A suitably fenced and shady open air playground shall be provided for the older children ; provided that the Chief Inspector may by order in writing exempt any factory from compliance with this sub-rule if he is satisfied that there is not sufficient space available for the provision of such a playground.

(7) The Chief Inspector may, in respect of factories that do not work for more than 180 days in a year, relax the provisions of sub-section (3) of Section 48.

74. *Washroom.*—(1) There shall be in or adjoining the creche a suitable washroom for the washing of the children and their clothing. The washroom shall conform to the following standards :—

(*a*) the floor and internal walls of the room to a height of 1 meter shall be so laid or finished as to provide a smooth impervious surface. The room shall be adequately lighted and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition.

(*b*) There shall be at least one basin or similar vessel for every four children accommodated in the creche at any one time together with a supply of water provided, if practicable, through taps from a source approved by the Health Officer. Such source shall be capable of yielding for each child a supply of at least 23 litres of water a day.

(*c*) An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the creche.

(2) Adjoining the washing room referred to above, a septic type latrine shall be provided for the sole use of the

Children in the creche. The design of this latrine and the scale of accommodation to be provided shall be determined by the Health Officer. The creche latrine shall always be kept clean and in a sanitary condition by a sweeper specially employed for the purpose.

75. *Supply of Milk and Refreshment.*—At least 0.38 Litres of clean pure milk shall be available for each child on every day, it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work two intervals of at least fifteen minutes to feed the child. For children above two years of age there shall be provided in addition an adequate supply of whole-some refreshment.

76. *Creche Staff.*—(1) For each creche there shall be appointed a women incharge and an adequate number of female attendants to help the woman incharge.

(2) *Qualifications of woman incharge.*—Except as in sub-section (2) of Section 48, no woman shall be appointed under sub-rule (1) as a woman in charge unless she possesses a Nurse's qualifications or produces a certificate that she has undergone training for a period of not less than 18 months in a hospital, maternity home, or nursing home approved in this behalf by the Chief Inspector of Factories.

(3(The provisions of sub-rule (2) shall not apply in the case of a woman who is in-charge of a creche in a factory on.*

(4) *Clothes for creche staff.*—The creche staff shall be provided with suitable clean clothes for use while on duty in the creche.

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*The date when the rules come into force.

CHAPTER VI.

Working Hours of Adults.

77. *Prescribed under sub-section* (2) *of Section* 53.—*Compensatory Holidays.*—(1) Except in the case of workers engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (1) of Section 53 of the Act shall be so spaced that not more than two holidays are given in one week.

(2) The Manager of the factory shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of work prescribed under Section 61 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(2) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

(4) (*a*) The Manager shall maintain a Register in Form No. 8 :

Provided that, if the Chief Inspector of Factories is of the opinion that any muster roll or Register maintained as part of the routine of the factory or return made by the Manager, gives in respect of any or all of the workers in the factory the particulars required for the enforcement of Section 53, he may, by order in writing, direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this Rule for that factory.

(*b*) The register maintained under Clause (*a*) shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

(5) Adult workers engaged in factories specified in the Schedule annexed hereto shall be exempted from the provisions of Section 58.

SCHEDULE.

(1) Watch and Ward and Fire protection staff in all factories.

(2) All workers in Newspaper Presses,

(3) All workers in Iron and Steel, Aluminium, Copper and Brass Rolling Mills.

(4) All workers in Hotels and Restaurants.

(5) Workers in public utility transport workshops (where this exemption is considered necessary to by the Chief Inspector).

(6) Any other classes of workers in the auxiliary sections of large factories where steam or electricity is generated or transformed for use in the factory, who may be declared to be so exempted in writing by the Chief Inspector on application by the Manager, in consideration of the essential or continuous nature of the duties involved.

(7) All workers in Tea Factories.

(8) Any special class of workers in any other factory where overlapping shifts are considered necessary by the Chief Inspector.

(6) Such of the workers who are exempted under Section 58 shall wear badges showing the ticket number in distinctive colour supplied by the Manager while at work. A reference of the badges and their colour should be noted in the Register of adult workers and notice of periods of work.

78. *Prescribed under Section* (4) *of Section* 59.—*Muster Roll for exempted factories.*—The Manager of every factory in which workers are exempted under Section 64 or 65 from the provisions of Section 51 or 54 shall keep a muster-roll in Form No. 9, showing the normal piece-work

rate of pay, or the rate of pay per hour, of all exempted employees. In this muster roll shall be correctly entered the overtime hours of work and payments therefor of all exempted workers. The muster roll in Form No. 9 shall always be available for inspection.

57

78-A. *Restrictions of double employment.*—An adult worker may be employed in more than one factory on the same day, with the previous approval of the Inspector, subject to the following conditions:—

(1) He shall not be employed for more than nine hours in all on any one day.

(2) He shall receive a weekly holiday in accordance with the provisions of Section 52.

78-B. The cash equivalent of the advantage accruing through the concessional sale to a worker of foodgrains and other articles shall be computed at the end of every wage period fixed under the provisions of the Payment of Wages Act, 1936.

78-C. For the purpose of computing cash equivalent of the advantage accruing through the concessional sale to a worker of foodgrains and other articles, the difference between the value of foodgrains and other articles at the average rates in the nearest market during the wage period in which overtime was worked and value of foodgrains and other articles supplied at concessional rates shall be calculated and allowed for the number of overtime hours worked.

This Rule shall not apply to any Federal Railway Factory whose alternative method of computation has been approved by the State Government.

78-D. The period of overtime worked shall be entered in overtime slips in duplicate, a copy of which duly signed by the Manager, or by a person duly authorised by him, shall be given to the worker immediately after completion of the overtime work.

79. *Prescribed under sub-section*(8) *of Section* 61.—*Notice of periods of work.*—The notice of periods of work for adult workers shall be in Form No. 10.

80. *Prescribed under sub-section* (2) *of Section* 62.—*Register of Adult Workers.*—The register of Adult Workers shall be in Form No. 11 and shall be maintained in accordance with the following provisions :—

(1) Where a worker is transferred from one group to another, or from one relay to another, the following particulars of his transfer shall be entered against his

(*a*) under the group from which he has been transferred—

(i) the date and actual time of finishing work in the group of relay.; and

(ii) the group of relay to which he has been transferred ; and

(*b*) under the group to which he has been transferred—

(i) the date and actual time of commencing work in the group or relay ; and

(ii) the group of relay from which he has been transferred.

(2) Where a worker is discharged from or leaves his employment the date of his leaving or discharge as the case may be, shall be entered against his name in the " Remarks " column.

(3) All entries in the register shall be in ink and shall be legible.

81. *Rules* 81 *and* 84 *prescribed under Section* 64.—*Persons defined to hold positions of supervision or management.*—The following persons shall be deemed to hold positions of supervision or management :—

(*a*) All persons specified in the Schedule annexed hereto.

(*b*) Any other persons who, in the opinion of the Chief Inspector, holds a position of supervision or Management in a factory and is as declared in writing by him on application by the Manager, under such conditions as may be imposed by the Chief Inspector.

SCHEDULE.

List of persons deemed to hold positions of supervision or management in factories :—

1. Manager. 2. Works Manager. 3. Asst. Manager. 4. Chief Engineer 5. Dy. Chief Engineer. 6. Engineers. 7. Asst. Engineers. 8. Foreman. 9. Heads of Departments. 10. Weaving Masters and Spinning Masters in Textiles Mills. 11. Labour Welfare Officers. 12. Labour Officers. 13. Head Electrician. 14. Tea Makers.

82. Persons defined to hold confidential position :—

(1) The following persons employed in a factory shall be deemed to be employed in a confidential position in the factory :—

(*a*) Head Time-keeper.

(*b*) Personal Assistant and Stenographers attached to persons specified in Schedule annexed to Rule 81.

(*c*) Head Storekeeper.

(*d*) Head Clerk or Superintendent.

(*e*) Cashier.

(*f*) Watch and Ward and Security Staff.

Provided that Clerks engaged in weighing, measuring, checking and entering goods, etc., in the Departments of a Factory, whose work must necessarily be carried out in proximity to the manufacturing process, shall not be considered to be employed in a "Confidential Capacity".

(2) Any other person who in the opinion of the Chief Inspector, is employed in a confidential capacity in a factory and is so declared in writing by him on application by the Manager of the Factory under such conditions as may be imposed by the Chief Inspector.

83. *List to be maintained of persons holding confidential positions or position of supervision or management.*— A list showing the names and designations of all the persons to whom the provisions of sub-section (1) of Section 64 have been applied, shall be maintained in every factory.

84. *Exemption of certain adult workers.*—(*a*) Adult workers engaged in factories specified in column 2 of the Schedule hereto annexed on the works specified in column 3 of the said Schedule.

(*b*) Except in the case of urgent repairs covered by item (1) of the Schedule, the exemptions shall be subject to the following conditions :—

(i) in case of exemptions from Sections 51 and 54 no worker shall work for more than 10 hours per day or 56 hours per week.

(ii) in case of exemptions from Section 55 sufficient time though not a fixed period shall be given for means to the satisfaction of the Inspector of Factories concerned.

(iii) The total overtime hours worked beyond the limits of nine hours per day and 48 hours per week shall not exceed 50 hours for each quarter of the calendar year.

(iv) Double wages for overtime work done beyond nine hours per day and 48 hours per week shall be paid in all cases as required by Section 59 of the Act.

Explanation.—"Quarter" means a period of three consecutive months beginning from the 1st of January, 1st of April, 1st of July or 1st of October.

SCHEDULE.

Sl. No.	*Section of the Act empowering the grant of exemption*	*Class of Factories*	*Nature of exempted work*	*Extent of exemption*	*Remarks Conditions subject to which exemption is given. (These conditions are in addition to those specified under Rule 84)*
1	2	3	4	5	6
1.	Section 64 (2) (a) and 64 (3).	All factories ..	Urgent repairs. (*) Page 62.	Sections 51, 52, 54, 55, 56 and 61.	1. Within 24 hours of the commencement of work, a notice shall be sent to the Inspector describing the nature of urgent reparis and the period probably required for their completion. 2. A running record of work done on such repairs shall be maintained in the Mustor Roll in Form 23 *vide* Rule 103. 3. Unless the Inspector gives permission in writing for reporting otherwise than as herein laid down, the employment of persons on urgent repairs, the Manager shall— (i) send, within 24 hours of commencement of work on urgent repairs, notice to the Inspector describing briefly the nature of the urgent repairs and the probable period of their duration ; and (ii) send weekly during the continuance of the work on urgent repairs, a statement giving the names of all the persons who have worked for more than 9 hours in any one day or for more than 48 hours in the preceding week in a factory such a statement shall also show total number of hours worked each day of the week.

				4.	If the Inspector is of the opinion that any work carried on or likely to be carried on in a factory as "Urgent repairs" is not "urgent repairs" the Inspector shall serve on the Manager, an order to that effect, and the Manager, shall, in respect of such work, not allow any worker to work in contravention of the provisions of Sections 51, 52, 54, 55, 56 shall, comply with Section 61.
2.	Section 64 (2) (b) and (h) and 64 (3).	All Factories other than those on continuous processes.	1. Work in a foundry in operation of a cupola and pouring off of metal.	Sections 51, 52, 54, 55, 56 and 61.	1. Such workers shall be allowed not loss than 2 holidays in each period covered by 4 consecutive statutory factory holidays and shall not be allowed to work for more than 6 hours on any one of the other 2 weekly holidays.
			2. Work performed by engine drivers engine Oilers and ordinary Firemen working with one working boiler.	Sections 51, 52, 54, 55, 56 and 61.	2. The notice required by Section 52 shall be delivered to the office of the Inspector showing on which days holidays will be allowed.
			3. Work performed by workers attending starting, stopping and maintaining Electric Motors and connected Switch gear.	Sections 51, 52, 54, 55, 56 and 61.	3. Intervals for food and rest shall be given to all the workers allowed to work on such work.
			4. Work performed by departmental oilers.	Sections 51, 52, 54, 55, 56 and 61.	4. No worker shall be allowed to work for more than 54 hours in any week.
			5. Clerks engaged in preparation of Pay Rolls.	Sections 51, 54 and 56.	5. Register or Muster Roll required to be maintained under Section 62 shall show correctly full particulars of periods within which each worker may be required to work ; entries in the Reg. or Muster Roll shall be kept up-to-date and
				Sections 51 and 52.	6. The exemption shall be only for the preparation of Pay Rolls.

1	2	3	4	5	6
3.	Section 64 (2) (c).	Cotton Ginning and Pressing factories.	Work of Fitters, Oilman, belt and Ropemen, factory Turners and blacksmiths.	Sections 51 and 52.	No worker shall be employed for more than 54 hours in any one week. The total number of hours of overtime work shal not exceed 50 hours for any one quarter
4.	Sections 64 (2) (c) and 64 (3).	All Factories ..	Work performed by the drivers on lighting, ventilating and humidfying apparatus.	Sections 51, 54, 55, 56 and 61.	1. Interval for food and rest shall be given to such workers. 2. Register or Muster Roll required to be maintained under Section 62 shall show correctly full particulars of periods within which each such worker may be required to work ; the entries in the Register shall be up-to-date.
5.	Sections 64 (2) (c) and 64 (3).	1. All Factories ..	Work performed by Fire Pumpmen.	Sections 51, 54, 55, 56 and 61.	Register or Muster Roll required to be maintained under Section 62 shall show correctly full particulars of periods within which each such worker may be required to work ; entries in the Register or Muster Roll shall be up-to-date.
		2. Cotton Spinning and Weaving Mills.	Work involved in cleaning blow room flues.	Sections 51, 54 and 56.	1. No worker shall be allowed to work for more than 51 hours in any one week. 2. No worker shall be allowed to work in such a manner that the spread over exceeds 10½ hours except on one day in a week previously notified to the Inspector when it shall not exceed 12 hours.
6.	Section 64 (2) (b).	Dyeing and Bleaching department of Factories.	Work performed by Kiermen.	Sections 51, 54, 55, and 56.	Interval for food and rest totalling one hour if working hours exceed 8½ hours in a day, ½ an hour if working hours do not exceed 8½ hours shall be given to each worker every day and the register or muster-roll maintained in accordance with Section 62 shall show correctly the periods of work of each worker.

7.	Section 64 (2) (d).	Cloth Printing Factories or Departments of Factories and bleaching, finishing, mercerising and dyeing departments of Factories.			Workers shall be allowed to work on shifts of not longer than 8 hours duration.
8.	Section 64 2) (b).	All Factories	(a) Work performed by Oilers. b) Work in Mechanic Shops, Smithies or foundries so far as such work is complementary to the main operations. (c) Work performed by warping and sizing departments.	Sections 51, 54 and 56.	This exemption shall not apply to :— 1. In the case of work performed by the oilers where these workers or the factories in which they work have been exempted from the provisions of Sections 52 or 55 ; and, 2. To the work in mechanic shop, smithy on foundry portion of engineering workshops or to a smithy or foundry used solely as such.
9.	Sections 64 (2).(d) and 64 (3).	Oil Tank Installations	Work performed by workers in connection with pumping operations.	Sections 51, 52, 54, 55, 56 and 61.	1. Intervals for food and rest shall be given to all workers allowed to work on such work. 2. The compensatory rest period of at least 24 consecutive hours shall be given to each worker after the cessation of the pumping operations. 3. Notice of such pumping operations with the number of workers allowed to work shall be sent to the Inspector as soon as possible after commencement of such work. 4. Exemption from Section 61 shall be availed of only during the continuance of pumping operations.
10.	Sections 64 (2) (c) and 64 (3).	Rice Mills and Rice Flaking Machines.	Drying, Lifting and Storing Paddy.	Sections 51, 54, 55, 56 and 61.	Whenever any worker is allowed to work overtime, a notice thereof should be sent to the Inspector.

1	2	3	4	5	6
11.	Section 64 (2) (d) (work which for technical reasons must be carried on continuously).	Iron and Steel smelting and rolling work.	Operation of blast furnaces, steel smelting furnaces, Rolling Mills.	Section 55	1. This exemption shall not apeply to suh workers who do not work in a system of relays following one another throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours except at the time of periodical change overs from one shift to another. 2. Such workers shall be allowed to take light refreshments or meals at the place of their employment or in a room specially reserved for the purpose or in a canteen provided in the factory once during any period exceeding 4 hours.
12.	Section 64 (2) (d) (work, which for technical reasons must be carried on continuously).	Pumping Stations	Driving or attending upon engines, motors, pumps and other accessories.	Sections 51, 52 54, 55 and 56.	Conditions as in Item No. 11.
13.	Section 64 (2) (d).	Public Electricity supply factories, generating Electricity in any manner and those engine rooms and Boiler Departments generating electricity in any manner for their own use employing workers on shifts of not more than 8 hours each.	Operation and maintenance of :— 1. Prime movers and auxiliaries generators, transformers and switch gears ; 2. Boilers and auxiliaries.	Sections 51, 52, 54, 55 and 56.	1. The workers shall be allowed to work on shifts of net more than 8 hour durations. 2. In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or a part of a subsequent shift provided that the next shift of the shift worker shall not commence before a period of 16 hours has elapsed after the (specified) stopping time of the shift to which the worker belongs.

3. No worker shall be allowed to work in such a manner that the spread over exceeds 12 hours in any day and this shall only be permissible in cases when a shift reliever working on continuous process does not attend at the correct time and alternative relief could not be arranged.
4. No worker shall be allowed to work for more than *56 hours in any one week except that when employed as in condition (2) above, he shall not be allowed to work for more than 64 hours in any one week.
5. Such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays.

14.	Section 64 (2) (d).	Electrical receiving stations and sub-stations or in any factory the Dept. of the factory receiving and distributing electrical energy for the use of the factory.	Operation and maintenance of the transformers and their auxiliaries including receiving and distribution switch gears, lighting arresters, synchronous and other condensors and rotary and static condensors.	Sections 51, 52, 54, 55 and 56.	Conditions as in Item No. 13.
15.	Section 64 (2) (d)	Factories or Department of Factories charging electrical accumulators.	Operations in connection with changing electrical accumulators.	Sections 51, 52, 54, 55 and 56.	Conditions as in item 13.
16.	Section 64 (2) (d).	Distilleries	Work on the extraction of sugar from various basis, fermentation of Sugar juice and distillation of formented wash.	Sections 51, 52, 54, 55 and 56.	Conditions as in Item 13.

1	2	3	4	5	6
17	Section 64 (2) (*d*).	Sugar Factories ..	(1) Extraction of Juice from cane clarification, evaporation and Boiling of the Juice. (2) Curing of massecuite. (3) Bagging.	Sections 51, 52, 54. 55 and 56.	Conditions as in Item 13.
18.	Section 64 (2) (*d*).	Chemical Factories	All continuous process work.	Sections 51, 52, 54, 55 and 56.	Conditions as in Item 13.
19.	Section 64(2) (*d*).	Vegetable Oil Hydrogenation Factories.	The work, *viz*, refining, bleaching, filtering, generation of hydrogen, hydrogenating and deodorising processes also compression of Oxygen and the Cylinder filling.	Sectons, 51, 52, 54, 55 and 56.	(1) The workers shall be allowed to work on shifts of not longer than8 hour durations. (2) No worker shall be allowed to work in such a manner that the supread over exceeds 12 hours in any day and this shall only be permissible in cases when a shift reliever, working on continuous process, does not attend at the correct time and alternative relief could not be arranged. (3) No worker shall be allowed to work for more than 56 hours in any one week except that, when employed as in condition (2) above, he shall not be allowed to work for more than 64 hours in any one week. (4) Such workers shall be allowed not less than 2 holidays in each period covered by 4 consecutive statutory holidays.
20.	Section 64(2) (*d*).	Ice Factories	Work of engine and compressor drivers and assistants and oilers.	Sections 51. 52, 54, 55 and 56.	Conditions as in item 19.

21.	Section 64(2) (*d*).	Oxygen Factories ..	Engine and Plant drivers, oilers and the filling of cylinders.	Sections 51, 52, 54, 55 and 56.	Conditions as in item 19.
22.	Section 64(2) (*d*).	Paper, Card board and straw-board Factories, working three to 8 hour shift system.	Work performed by male adult workers on choppers, digestors, kneaders, strainers and washers, beaters, paper making machines, pumping plants, reelers, and cutters.	Sections, 51, 52, 54, 55 and 56.	Conditions as in item 19.
23.	Section 64(2) (*d*).	Cement Factories ..	All work on continuous process units.	Sections, 51 52, 54, 55 and 56.	Conditions as in item 19.
24.	Section 64(2) (*d*).	Acetyline Factories ..	Generation of Gas and Filling of cylinders.	Sections, 51, 52, 54, 55 and 56.	Conditions as in item 19.
25.	Sections, 64(2) (*d*).	Oil Mills ..	All continuous process work.	Sections 55.	Workers shall be allowed to work on shifts of not longer than 8 hours duration.
26.	Section 64(2) (*d*).	Flour Mills ..	All work	Section 55 ..	Conditions as in item 25.
27.	Section 64(2) (*d*).	Plywood Factories ..	Preparation of glue, glueing, combining, pressing, drying and such work which must proceed concurrently with such operations.	Section 55 ..	(1) This exemption shall not apply to such workers who do not work in a system of relays following one another, throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours, except at the time of periodical change over from one shift to another. (2) Such workers shall be allowed to take light refreshments or meals at the place of their employment or in a room specially reserved for the purpose or in a canteen provided in the factory, once during any period exceeding four hours.

1	2	3	4	5	6
28.	Section 64(2) (*d*).	Cement Tile Factories.	Work on the ' Curing ' of tiles.	Sections 51, and 52.	(1) No worker shall be allowed to work for more than 4 hours on any of the weekly holidays. (2) No worker shall be allowed to work on consecutive weekly holidays. (3) No worker shall be allowed to work in excess of the limit of weekly hours of work as laid down in Section 51 except during the week when the worker works on a weekly holiday as in condition (1) above. (4) No worker shall be allowed to work for more than 52 hours in any week.
29.	Section 64(2) (*d*).	(1) Glass Factories ..	Work in attending to furnace.	Sections 52 and 55.	(1) The workers shall be allowed to work on shifts of the longer than 8 housr' duration. (2) No worker shall be allowed to work on consecutive weekly holiday.
		(2) Glass Factories ..	All work and processes from mixing of batch to removal of the manufacured Glass ware from the lease.	Sections 51 and 52.	(1) The workers shall be allowed to work on shift of not longer than 8 hours duration. (2) No worker shall be allowed to work for more than 6 hours on any of the weekly holidays. (3) No worker shall be allowed to work on consecutive weekly holidays. (4) No worker shall be allowed to work in excess of limits of weekly hours as laid down in section 51 except during the week when a worker works on a weekly holiday as in condition (2) above.

30.	Section 64(2) (*d*).	Ordnance Factories ..	Work in melting shop, swarfannealing, furnace gas, producers, electrical Sub-stations and water and electrical distribution departments.	Section 55 ..	Workers shall be allowed to work on shifts of not longer than 8 hours duration.
31.	Section 64(2) (*d*).	Soap Factories ..	Work on soap boiling, pans and soap drying pans.	Section 55 ..	Condition as in item 30.
32.	Section 64(2) (*d*).	Pottery works	Work of firemen on kilns	Section 55 ..	Condition as in item 30.
33.	Section 64(2) (*d*).	Brick Factories ..	Work of Firemen on kilns.	Section 55	Condition as in item 30.
34.	Section 64(2) (*d*).	Pharmaceutical factories.	All continuous process work	Section 55 ..	Condition as in item 30.
35.	Section 64(2) (*d*).	Factories processing Cinematographic films.	Work on developing and washing process.	Sections 51, 54, 55 and 56.	(1) The workers shall be allowed to work on shifts of not longer than 8 hours duration. (2) No worker shall be allowed to work in such a manner that the spread over exceeds 12 hours in any day and this shall only be permissible in case when the shift reliever working on continuous process does not attend at correct time and alternative relief could not be arranged.
36.	Section 64(2) (*b*).	Studios ..	Work involved in erection, dismantling of settings and work on the make up of actors, actresses.	Sections 51, 54, 55 and 56.	Conditions as in item 35.
37.	Section 64(2) (*b*).	Gur Factories ..	Work performed by workers in crushing Sugarcane.	Sections 51, 55 and 56.	....
38.	Sections 64(2) (*c*) and 64(3)	Gur Factories ..	All other work except crushing of Sugarcane.	Sections, 51, 54, 55, 56 and 61.	Notice showing the periods of work of the crusher shall be exhibited in the factory and a copy sent to the Inspector.

1	2	3	4	5	6
39.	Section 64 (2) (*e*).	All Factories ..	Telephone Operators	Section 55	The inteervals for food and rest totalling one hour if working hours exceed 8½ hours in a day or half an hour if working hours do not exceed 8½ hours shall be given to each worker in a day and the same noted in the register or Muster Roll maintained in accordance with Section 62.
40.	Section 64 (2) (i) and 64 (3).	Printing Presses (engaged in printing newspaper).	(a) Workers engaged on composing, linotype and monotype machines, folding and despatching who are held up on account of the break down of machineries.		1. No worker shall be employed for more than 56 hours in any week. 2. No worker shall be employed for more than 10 hours in any one day. 3. The spread over, inclusive of intervals for food and rest, shall not exceed 12 hours in any one day.
			(b) Workers employed on Teleprinters.	Sections 51, 54, 55.	
41.	Section 64 (2) (*j*).	All Factories ..	Workers engaged in loading or unloading of Railway wagons.	Sections 51, 52, 54, 56.	1. No worker shall be employed for more than 60 hours in a week. 2. No worker shall be employed for more than 14 consecutive days without a rest period of at least 24 consecutive hours. 3. No worker shall be employed for more than 10 hours on any one day. 4. The spread over, inclusive of intervals for food and rest shall not exceed 12 hours on any one day.
42.	Section 64 (2) (*g*).	1. Work of persons in tea factories.	Work of persons in tea factories except in shifting departments.		Exemptions from the provisions of Section 61 of the Act will apply in so far as it relates to the specification of the periods of rest intervals in the notice of work period for adults.

2.	Coffee curing and cashewnut Factories.	Work of persons engaged in receiving, drying, lifting, and storing unshelled coffee and cashewnuts.	Section 55	Conditions as in item 42 (1). *(Limit of 60 hours as per letter No. 208/(17) dated 23-7-1957).
		Work of persons engaged in drying of splints and veneers in match factories.	Section 55	Conditions as in item 42 (1).

EXPLANATION.—1. The following shall be considered to be urgent repairs.—

(*a*) Repairs to any important machinery, plant or structure of a factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process.

(*b*) Break down repairs to the motive power, transmission or other essential plants of other factories, collieries, railways, dockyards, harbours, tramways, motor transport, gas, electrical generating and transmission, pumping or similar essential public utility services carried out in general engineering works and foundries and which are necessary to enable such concerns to maintain their manufacturing process, production or service during normal working hours.

(*c*) Repairs to deep-sea ships and repair to commercial aircraft done in a factory which are essential to enable such ships or aircraft to leave port at proper time or continue their normal operations in the sea or air-worthy condition, as the case may be.

(*d*) Repairs in connection with a change of motive power, for example, from steam to electricity or *vice versa* when such work cannot possibly be done without stoppage of the normal manufacturing process.

2. Periodical cleaning is not included in terms "examining" or "repairing".

NOTE.—The attention of managers of all factories is drawn to Section 59 and Rule 78 regarding payment for overtime work of exempted workers.

CHAPTER VII.

Employment of Young Persons.

85. *Notice prescribed under sub-section* (3) *of Section* 72.—*Notice of periods of work for Children.*—The notice of periods of work for child workers shall be in Form No. 12, and it shall be maintained in the manner prescribed in sub-section (2) of Section 108 of the Act.

86. *Register prescribed under sub-section* (2) *of Section* 73.—*Register of Child Workers.*—The register of child workers shall be in Form No. 13 and shall be maintained in accordance with the following provisions :—

(1) Where a child is transferred from one group to another, or from one relay to another, the following particulars of his transfer shall be entered against his name.

(*a*) under the group or relay from which he has been transferred :—

(i) the date and actual time of finishing work in the group or relay ; and

(ii) the group or relay to which he has been transferred ; and

(*b*) under the group or relay to which he has been transferred :—

(i) the date and actual time of commencing work in the group or relay ; and

(ii) the group or relay from which he has been transferred.

(2) Where a child is discharged from or leaves his employment, the date of his leaving or discharge, as the case may be, shall be entered against his name in the " Remarks " column.

(3) All entries in the Register shall be made in ink and shall be legible.

CHAPTER VIII.

Leave with Wages.

87. *Rules 87 to 94 prescribed under Sections 83 and 112.—Leave with Wages Register.*—(1) The Manager shall keep a register in Form No. 14, hereinafter called the Leave with Wages Register :

Provided that if the Chief Inspector is of the opinion that any muster roll or register maintained as a part of the routine of the factory, or return made by the Manager, gives, in respect of any or all of the workers, in the factory, the particulars required for the enforcement of Chapter VIII of the Act, he may, by order in writing, direct that such muster-roll or register or return shall, to the corresponding extent, be maintained in place of and treated as the register or return require under this Rule in respect of that Factory.

(2) The cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles payable to workers proceeding on leave shall be the difference between the value of the average rates in the nearest market prevailing during the month immediately preceding his leave and the value at the concessional rates allowed of foodgrains and other articles he is entitled to.

For the purpose of each equivalent monthly average market rate of foodgrains and other articles shall be computed at the end of the month.

(3) The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

88. *Leave Book.*—The Manager shall provide each worker who has become entitled to leave during a calendar year, with a book in Form No. 15 (hereinafter called the leave book) not later than the 31st January of that year. The leave book shall be the property of the worker and the Manager or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service, and shall not keep it for more than a week at a time :

Provided that in the case of a worker who is discharged or dismissed from service during the course of the year, *i.e.*, who is covered under sub-section (3) of Section 79 of the Factories Act, 1948, the Manager shall issue an abstract from the "Register of Leave with Wages" (Form No. 15) within a week from the date of discharge or dismissal as the case may be.

(2) If a worker loses his leave book, the Manager shall provide him with another copy on payment of fifteen Paise, and shall complete it from his record.

89. *Medical Certificate.*—If any worker is absent from work due to his illness and he wants to avail himself of the leave with wages due to him to cover the whole or part of the period of his illness, under the provisions of clause 7 of Section 79 of Chapter VIII as revised by the Factories (Amendment) Act, 1954, he shall, if required by the Manager, produce a Medical Certificate signed by a Registered Medical Practitioner or by a registered or recognised Vaid or Hakim stating the cause of absence and the period for which the worker is in the opinion of such Medical Practitioner, Vaid or Hakim, unable to attend to his work, or other reliable evidence to prove that he was actually sick during the period for which leave is to be availed of.

90. *Notice to Inspector of involuntary unemployment.*—The Manager shall give, as soon as possible, a notice to the Inspector of every case of involuntary unemployment of workers, giving numbers of unemployed and the reason for their unemployment. Entries to this effect shall be made in the Leave with Wages Register and the Leave Book in respect of each worker concerned.

91. *Notice by worker.*—(1) Before or at the end of every calendar year, a worker, who may be required to avail in accordance with sub-section (8) of Section 79 of the Factories Act, 1948 may give notice to the Manager of his intention not to avail himself of the leave with wages falling

due during the following calendar year. The Manager shall make an entry to that effect in the Leave with Wages Register and in the Leave Book of the worker concerned.

(2) *Notice by Manager.*—The Manager shall cause a notice to be displayed giving the names of all workers whose leave, which has been carried forward, has reached the maximum limit allowed under the first proviso to sub-section (5) of Section 79, as soon as possible in the first quarter of each calendar year. The notice shall state that no further leave can be carried forward and that application for leave shall be made within one month from the date of the notice. A copy of the notice shall be given to each worker concerned. A copy shall also be delivered at the office of the Inspector of Factories.

92. *Notice of Leave with Wages.*—(1) As far as circumstances permit, members of the same family, comprising husband, wife and children, shall be allowed to leave on the same date.

(2) A worker may exchange the period of his leave with another worker, subject to the approval of the Manager.

93. *Payment of wages if a worker dies.*—If a worker dies before he resumes work, the balance of his pay due for the period of leave with wages not availed of shall be paid to his nominee within one week of the intimation of the death of the worker. For this purpose, each worker shall submit a nomination in Form No. 26 duly signed by himself and attested by two witnesses. The nomination shall remain in force until it is cancelled or revised by another nomination.

94. *Register to be maintained in case of exemption under Section* 84.—(1) Where an exemption is granted under Section 84, the Manager shall maintain a Register showing the position of each worker as regards leave due, leave taken and wages granted.

(2) He shall display, at the main entrance of the factory, a notice giving the full details of the system established in the factory for leave with wages and shall send a copy of it to the Inspector.

(3) No alteration shall be made in the scheme approved by the State Government at the time of the granting of exemption under Section 84 without its previous sanctnon.

94-A. *Exemption from the provisions of Rules* 87 *to* 94.—The Chief Inspector may grant exemption from all or any of the provisions of Rules 87 to 94 in respect of all or any of the workers in any factory subject to such conditions as he may impose.

CHAPTER IX.

Special Provisions.

95. *Prescribed under Section* 87.—*Dangerous Operations.*—(1) The following operations when carried on in any factory are declared to be dangerous operations under Section 87.—

(1) Manufacture of ærated water and process incidental thereto.

(2) Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acids or other chromium compounds.

(3) Manufacture and repair of electric accumulators.

(4) Glass manufacture.

(5) Grinding or glazing of metals.

(6) Manufacture and treatment of lead and certain compounds of lead.

(7) Generation of gas from dangerous petroleum.

(8) Cleaning or smoothing of articles by a jet of sand, Metal shot or grit and other abrasive propelled by a blast of compressed air or steam.

(9) Liming and tanning of raw hides and skins and processes incidental thereto.

(10) Cellulose spraying.

(11) Graphite powdering and incidental processes.

(12) Manufacture of chromic acid or manufacture or recovery of Bichromate of Sodium or Potassium or Ammonium.

(13) Manipulation of nitro or amido compounds.

(14) Manipulation of acids or alkalies,

(15) Manufacture of pottery.

(16) Chemical works.

(17) Processing of Cashewnut.

(18) Printing Presses and type foundries. Certain lead processes carried on in printing presses.

(2) The provisions specified in the schedules annexed hereto shall apply to any class or description of factories wherein dangerous operations specified in each schedule are carried out.

SCHEDULE I

(MANUFACTURE OF AERATED WATERS AND PROCESSES INCIDENTAL THERETO)

1. *Fencing of Machines.*—

All Machines for filling bottles or syphons shall be so constructed, placed or fenced as to prevent, as far as may be practicable, a fragment of a bursting bottle or syphon from striking any person employed in the factory.

2. *Faceguards and gauntlets.*—(i) The Occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or syphons :—

(*a*) Suitable faceguards to protect the face, neck and throat ; and

(*b*) Suitable gauntlets for both arms to protect the whole hand and arms :

Provided that (i) paragraph 2(1) shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape ; and, (ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm not exposed to danger.

(3) The Occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting or labelling bottles or syphons :—

(*a*) suitable faceguards to protect the face, neck and throat ; and

(*b*) suitable gauntlets for both arms to protect the arms and at least half of the palm and the space between the thumb and fore finger.

(4) *Bearing of faceguards and gauntlets.*—All persons engaged in any of the processes specified in paragraph 2 shall, while at work in such processes, wear the faceguards and gauntlets provided under the provisions of the said paragraph.

SCHEDULE II.

(Electrolytic planting or oxidation of metal articles by use of an electrolyte containing chromic acids or other chromium *compounds*).

1. *Definitions.*—For the purposes of this schedule—

(*a*) "Electrolytic Chromium Process" means the Electrolytic plating or oxidation of meal articles by use of an electrolyte containing chromic acid of other chromium compounds.

(*b*) "bath" means any vessel used for an electrolytic chromium process of for any subsequent process.

(*c*) "Employed" means, in paragraphs 5, 7, 8 and 9 of this schedule employed in any process involving contact with liquid from a bath.

(*d*) "Suspension" means suspension from employment in any process involving contact with liquid from any bath by written certificate in the Health Register, signed by the certifying Surgeon who shall have power of suspension as regards all persons employed in any such process.

2. *Exhaust Draught.*—An efficient exhaust draught shall be applied to every vessel in which an electrolytic chromium process is carried on. Such draught shall be provided by mechanical means and shall operate on the vapour or spray given off at the process as near as may be at the point of origin. The exhaust draught appliance shall be constructed, arranged and maintained as to prevent the vapour or spray entering into any room or place in which work is carried on.

3. *Prohibition relating to women and young persons.*—No woman, adolescent or child shall be employed or permitted to work at a bath.

4. *Floor of work Rooms.*—The floor of every room containing a bath shall be impervious to water. The floor shall be maintained in good and level conditions and shall be washed down at least once a day.

5. *Protective Clothing.*—(1) The Occupier of the Factory shall provide and maintain in good and clean condition the following articles of protective clothing for the use of all persons employed on any process at which they are liable to come in contact with liquid from a bath and such clothing shall be worn by the person concerned.

(*a*) Water-proof aprons and bibs; and

(*b*) for persons actually working at a bath loose-fitting rubber gloves and rubber boots or other water-proof footwear.

(2) The occupier shall provide and maintain for the use of all persons employed suitable accommodation for the storage and adequate arrangements for the drying of protective clothing.

6. *Medical requisites.*—The Occupier shall provide and maintain a sufficient supply of suitable ointment and impermiable water-proof plaster in a separate box readily accessible to the workers and used solely for the purpose for keeping the ointment and plaster.

7. *Medical Examination.*—(*a*) Every person employed shall be examined by the certifying Surgeon once in every 14 days and such examination shall take place at the factory.

(*b*) A Health Register in prescribed Form No. 16 shall be kept by the Occupier and in it shall be entered all the names of persons employed together with such entries as the certifying Surgeon may make from time to time.

(*c*) No person after suspension shall be employed without written sanction from the certifying Surgeon entered in or attached to the Health Register.

8. *Cautionary placard.*—A cautionary placard in the form specified by the Chief Inspector and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers.

9. *Weekly Examinations.*—A responsible person appointed in writing by the Occupier of the factory shall twice in every week inspect the hands and forearms of all person employed and shall keep a record of such inspections in the Health Register.

SCHEDULE III.

(Manufacture and Repair of Electric Accumulators)

1. *Savings.*—This schedule shall not apply to the manufacture or repair of electric accumulators or parts thereof not containing lead or any compound of lead; or to the repair on the premises of any accumulator forming part of a stationery battery.

2. *Definitions.*—For the purposes of this Schedule.—

(*a*) "Lead Process" means the melting of lead or any material containing lead, casting, pasting, lead burning, or any other work, including trimming or any other abrading or cutting of pasted plates, involving the use, movement or manipulation of or contact with any oxide of lead.

(*b*) "Manipulation of raw oxide of Lead" means any lead process involving any manipulation or movement of raw oxides of lead other than its conveyance in a receptacle or by means of an implement from one operation to another.

(*c*) "Suspension" means suspension from employment in any lead process by written certificate in the Health Register (Form No. 16) signed by the certifying Surgeon who shall have power of suspension as regards all workers employed in any such process.

3. *Prohibition relating to women and young persons.*—No women, or young persons shall be employed or permitted to work on any lead process or in any room in which the manipulation of raw oxide of lead or pasting is carried on.

4. *Separation of certain processes.*—Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another and from any other process.

(*a*) Manipulation of raw oxide of lead,

(*b*) Pasting.

(*c*) Drying of pasted plates.

(*d*) Formation with lead burning (tacking) necessarily carried on in connection therewith.

(*e*) Melting down of pasted plates.

(*f*) Grid casting shop.

(*g*) *Storage of lead oxides.*—All bags containing or having contained oxides of lead shall be kept in a closed room used only for this purpose.

(*h*) *Re-use of paper or cloth restricted.*—(a) Paper once used for packing, drying pasted plates shall not be used again in the factory.

(b) Cloth once used for packing or drying pasted plates shall be stored or handled unless it is moisted so as not to give rise to dust.

5. *Air space.*—In every room in which a lead process is carried on there shall be at least 14.1 cubic meters of air-space for each person employed therein, and in computing this air-space no height over 3.7 meters shall be taken into account.

6. *Ventilation.*—Every workroom shall be provided with inlets and outlets of adequate size as to secure and maintain efficient ventilation in all parts of the room.

7. *Distance between workers in pasting room.*—In every pasting room, the distance between the centre of the working position of any paster and that of the paster working nearest to him shall not be less than 1.5 meters.

8. *Floor of workroom.*—(1) The floor of every room in which a lead process is carried on shall be—

(*a*) of cement or similar material so as to be smooth and impervious to water;

(*b*) maintained in sound condition;

(*c*) kept free from materials, plant or other obstruction not required for, or produced in, the process carried on in the room.

(2) In all such rooms, other than grid casting shops, the floor shall be cleaned daily after being thoroughly sprayed with water at a time when no other work is being carried on in room.

(3) In grid casting shops, the floor shall be cleaned daily.

(4) Without prejudice to the requirements of sub-paragraphs (1), (2) and (3), where manipulation of raw oxide of lead or pasting is carried on, the floor shall also be—

(*a*) kept constantly moisted while work is being done;

(*b*) be provided with suitable and adequate arrangements for drainage;

(*c*) thoroughly washed daily by means of a hose pipe.

9. *Work benches.*—The work benches at which any lead process is carried on shall—

(*a*) have a smooth surface and be maintained in a sound condition;

(*b*) be kept free from all materials or plants not required for, or produced in, the process carried on thereat;

and all such work benches other than those in gird casting shop shall—

(*c*) be cleansed daily either after being thoroughly damped or by means of a section cleaning apparatus at a time when no other work is being carried on thereat;

and, all such work benches in grid casting shops shall—

(*d*) be cleaned daily;

and, every work bench used for pasting shall—

(*e*) be covered throughout with sheet lead or other impervious material;

(*f*) be provided with raised edges;

(*g*) be kept constantly moisted while pasting is being carried on.

10. *Exhaust Draughts.*—The following processes shall not be carried on without the use of an efficient exhaust draught:—

(*a*) melting of lead or material containing lead;

(*b*) "manipulation of raw oxide of lead," unless done in an enclosed apparatus so as to prevent the escape of dust into the workroom;

(*c*) pasting;

(*d*) trimming, brushing, filling or any other abrading or cutting of pasted plates giving rise to dust;

(*e*) lead burning, other than (i) tacting in the formation room; (ii) chemical burning for the making of lead lining for cell cases necessarily carried on in such a manner that the application of an efficient exhaust is impracticable.

Such exhaust draught shall be effected by mechanical means and shall operate on the dust or fume given off as nearly as may be at its point of origin, so as to prevent it entering the air of any room in which persons work.

11. *Fumes and gases from melting pots.*—The products of combustion produced in the heating of any melting pot shall not be allowed to escape into a room in which persons work.

12. *Container for dross.*—A suitable receptacle with tightly fitting over shall be provided and used for dross as it is removed from every melting pot. Such receptacle shall be kept covered while in the workroom, except when dross is being deposited therein.

13. *Container for lead waste.*—A suitable receptacle shall be provided in every workroom in which old plates and waste material which may give rise to dust shall be deposited.

14. *Racks and Shelves in Drying Rooms.*—The Racks or shelves provided in any drying room shall not be more than 2.4 Meters from the floor nor more than 0.6 Meters in width provided that, as regards racks or shelves set or drawn from both sides, the total width shall not exceed 1.2 Meters.

Such racks and shelves shall be cleaned only after being thoroughly damped unless an efficient section cleaning apparatus is used for this purpose.

15. *Medical Examination.*—(*a*) every person employed in a lead process shall be examined by the certifying Surgeon within the seven days proceeding or following the date of his first employment in such process and thereafter shall be examined by the certifying Surgeon once in every calendar month, or at such other intervals as may be specified in writing by the Chief Inspector, on a day of which due notice shall be given to all concerned.

"First Employment" means first employment in a lead process in the factory or workshop and also re-employment therein in a lead process following any cessation of employment in such process for a period exceeding three calendar months.

(*b*) A Health Register in Form No. 16 containing the names of all persons employed in a lead process shall be kept.

(*c*) No person after suspension shall be employed in a lead process without written sanction from the certifying Surgeon entered in or attached to the Health Register.

16. *Protective clothing.*—Protective clothing shall be provided and maintained in good repair for all persons employed in :—

(*a*) Manipulation of raw oxide of lead ;

(*b*) Pasting ;

(*c*) the formation room ;

and such clothing shall be worn by the persons concerned. The protective clothing shall consist of a water-proof apron and water-proof footwear, and also, as regards persons employed in the manipulation of raw oxide of lead of in pasting, head coverings. The head coverings shall be washed daily.

17. *Mess Room.*—There shall be provided and maintained, for the use of all persons employed in a lead process and remaining on the premises during the meal intervals a suitable mess-room, which shall be furnished with (*a*) sufficient tables and benches, and (*b*) adequate means for warming food.

The mess-room shall be placed under the charge of a responsible person, and shall be kept clean.

18. *Cloak Room.*—There shall be provided and maintained for the use of all persons employed in a lead process—

(*a*) a cloak room for clothing put off during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess-rooms.

(*b*) separate and suitable arrangements for the storage of protective clothing provided under paragraph 16.

19. *Washing facilities.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a lead process :—

(*a*) a wash place under cover, with either—

(i) a trough with smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least 0.6 Meters for every 5 such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 0.6 Meters ; or

(ii) at least one wash basin for every 5 such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water laid on ;

(iii) a sufficient supply of clean towels made of suitable materials renewed daily, which supply, in case of pasters, and persons employed in the manipulation of raw oxide of lead, shall include a separate marked towel for each such worker ; and

(iv) a sufficient supply of soap or other suitable cleaning materials and of nail brushes.

(*b*) there shall in addition be provided means of washing in close proximity to the rooms in which manipulation of raw oxide of lead or pasting is carried on if required by notice in writing from the Chief Inspector.

20. *Time to be allowed for washing.*—Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of raw oxide of lead or in pasting :

Provided that if there be one basin of 0.6 Meters of trough for each such person this paragraph shall not apply.

21. *Facilities for bathing.*—Sufficient bath accommodation to the satisfaction of the Chief Inspector shall be provided for all persons engaged in the manipulation of raw oxide of lead or in pasting, and a sufficient supply of soap and clean towels.

22. *Food, Drinks, etc., prohibited in Workrooms.*—No food, drink, pan and supari or tobacco shall be consumed or brought by any worker into any workroom in which any lead process is carried on.

SCHEDULE IV.

(Glass Manufacture)

1. *Exemption.*—If the Chief Inspector is satisfied in respect of any factory or any class of process that, owing to the special methods of work or the special conditions in a factory or otherwise, and of the requirements of this schedule can be suspended or relaxed without danger to the persons employed therein, or that the application of this schedule or any part thereof is for any reason impracticable, he may by certificate in writing authorise such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as he may think fit.

2. *Definitions.*—For the purposes of this schedule :—

(*a*) "Efficient exhaust draught" means localised ventilation effected by mechanical means for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fume, or dust originate.

(*b*) "Lead compound" means any compound of lead other than galena which, when treated in the manner described below, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis.

The method of treatment shall be as follows :—

A weighed quantity of the material which has been dried at 100° C. and thoroughly mixed shall be continuously, shaken for one hour,

at the common temperature with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0.25 per cent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt containing in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

(*c*) "Suspension" means suspension from employment in any process specified in paragraph 3 by written certificate in the Healh Register, Form No. 16, signed by the certifying Surgeon who shall have power of suspension as regards all persons employed in any such process.

3. *Exhaust draught.*—The following processes shall not be carried on except under an efficient exhaust draught or under such other conditions as may be approved by the Chief Inspector :—

(*a*) The mixing of raw materials to form a "batch"

(*b*) The dry grinding, glazing and polishing of glass or any article of glass.

(*c*) All processes in which hydrofluoric acid fumes or ammoniacal vapours are given off.

(*d*) All process in the making of furnace moulds or 'pots including the grinding or crushing of used 'pots'.

(*e*) All processes involving the use of a dry lead compound.

4. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any of the operations specified in paragraph 3 or at any place where such operations are carried on.

5. *Floors and work benches.*—The floor and work benches of every room in which a dry compound of lead is manipulated or in which any process is carried on giving off silica dust shall be kept moist and shall comply with the following requirements :—

The floors shall be :—

(*a*) of cement or similar material so as to be smooth and impervious to water ;

(*b*) maintained in sound condition ; and

(*c*) cleansed daily after being throughly spread with water at a time when no other work is being carried on in the room.

The work-benches shall—

(*a*) have a smooth surface and be maintained in sound condition, and

(*b*) be cleansed daily either after being thoroughly damped or by means of a suction cleaning apparatus at a time when no other work is being carried on thereat.

6. *Use of Hydrofluoric Acid.*—The following provisions shall apply to rooms in which glass is treated with hydrofluoric acid :—

(*a*) there shall be inlets and outlets of adequate size so as to secure and maintain efficient ventilation in all parts of the room ;

(*b*) the floor shall be covered with guttaparcha and be tight and shall slope gently down to covered drain ;

(*c*) the work places shall be so enclosed in projecting hoods that openings required for bringing in the object to be treated shall be as small as practicable ; and

(*d*) the efficient exhaust draught shall be so contrived that the gases are exstusted downwards.

7. *Storage and transport of Hydrofluoric Acid.*—Hydrofluoric acid shall not be stored or transported except in cylinders or receptacles made of lead or rubber.

8. *Blow Pipes.*—Every glass blower shall be provided with a separate blow pipe bearing the distinguishing mark of the person to whom it is issued and suitable facilities shall be readily available to every glass blower for sterilising his blow pipe.

9. *Food, drinks, etc., prohibited in work-rooms.*—No food drinks, pan and supari or tobacco shall be brought into or consumed by any worker in any room or work place wherein any process specified in paragraph 3 is carried on.

10. *Protective clothing.*—The Occupier shall provide, maintain in good repair and keep in clean condition for the use of all persons employed in the processes specified in paragraph 3, suitable protective clothing, footwear and goggles according to the nature of the work and such clothing, footwear, etc., shall be worn by the persons concerned.

11. *Washing facilities.*—There shall be provided and maintained in a cleanly state and good repair for the use of all persons employed in the processes specified in paragraph 3:—

(*a*) a wash place with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least 0.6 Meters for every five such persons employed at any one time and a constant

supply of water from taps or jets above the trough at intervals of not more than 0.6 Meters; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plug and having an adequate supply of water laid on or always readily available; and

(*b*) a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleaning materials and of nail brushes;

(*c*) a sufficient number of stand pipes with taps—the number and location of such stand pipes shall be to the satisfaction of the Chief Inspector.

12. *Medical Examination.*—(*a*) Every person employed in any process specified in paragraph 3, shall be examined by the certifying Surgeon within seven days preceding or following the date of his first employment in such process and thereafter shall be examined by the certifying Surgeon once in every calendar month or at such other intervals as may specified in writing by the Chief Inspector, on a day of which due notice shall be given to all concerned.

(*b*) A Health Register in Form No. 16 containing the names of all persons employed in any process specified in paragraph 3 shall be kept.

(*c*) No person after suspension shall be employed in any process specified in paragraph 3 without written sanction from the certifying Surgeon entered in or attached to the Health Register.

SCHEDULE V.

(Grinding or Glazing of Metals and Processes incidental thereto).

1. *Definition.*—For the purposes of this Schedule:—

(*a*) "Grindstone" means a grindstone composed of natural or manufactured sandstone but does not include a metal wheel or cylinder into which clocks of natural or manufactured sandstone are fitted.

(*b*) "Abrasive wheel" means a wheel manufactured of bonded emery of similar abrasive.

(*c*) "Grinding" means the abrasion, by aid of mechanical power, of metal, by means of a grindstone abrasive wheel.

(*d*) "Glazing" means the abrading, polishing or finishing, by aid of mechanical power, of metal, by means of any wheel, buff, mope, or similar appliance to which any abrading or polishing substance attached or applied.

(*e*) "Recing" means the turning up, cutting or dressing of a revolving grindstone before it is brought into use for the first time.

(*f*) "Hacking" means the chipping of the surface of a grindstone by a back or similar toor.

(*g*) "Rodding" means the dressing of the surface of a grindstone by the application of a rod, bar or strip of metal to such surface.

2. *Exceptions.*—(1) Nothing in this Schedule shall apply to any factory in which only repairs are carried on except any part thereof in which one or more persons are wholly or mainly employed in the grinding or glazing of metals.

(2) Nothing in this schedule except paragraph 4 shall apply to any grinding or glazing of metals carried on intermittently and at which no person is employed for more than 12 hours in any week.

(3) The Chief Inspector may by certificate in writing subject to such conditions as he may specify therein, relax or suspend any of the provisions of this schedule in respect of any factory if owing to the special methods of work or otherwise such relaxation or suspension is practicable without danger to the health or safety of the persons employed.

3. *Equipment for removal of dust.*—No racing, dry grinding or glazing shall be performed without—

(*a*) a hood or other appliance so constructed, arranged, placed and maintained as substantially to intercept the dust thrown off; and

(*b*) a duct of a adequate size air tight and so arranged as to be capable of carrying away the dust, which duct shall be kept free from obstruction and shall be provided with proper means of access for inspection and cleaning and where practicable with a connection at the end remote from the fan to enable the Inspector to attach thereto any instrument necessary for ascertaining the pressure of air in the said duct; and

(*c*) a fan or other efficient means of producing a draught sufficient to extract the dust:

Provided that the Chief Inspector may accept any other appliance that is, in his opinion as effectual for the interception, removed and disposal of dust thrown off as a hoods dust and fan would be.

4. *Restriction on employment on grinding operations.*—Not more than one person shall at any time perform the actual process of grinding or glazing upon a grindstone, abrasive wheel or glazing appliance :

Provided that this paragraph shall not prohibit the employment of persons to assist in the manipulation of heavy of bulky articles at any such grindstone, abrasive wheel or glazing appliance.

5. *Glazing.*—Glazing or other processes, except processes incidental to wet grinding upon a grindstone shall not be carried on in any room in which wet grinding upon a grindstone is done.

6. *Hacking and rodding.*—Hacking or rodding shall not be done unless during the process either—

(*a*) an adequate supply of water is laid on at the upper surface of the grindstone ; or

(*b*) adequate appliances for the interception of dust are provided in accordance with the requirements of paragraph 3.

7. *Examination of dust equipment.*—

(*a*) All equipment for the extraction or supression of dust shall at least once in every six months be examined and tested by a competent person, and any defect disclosed by such examination and test shall be rectified as soon as practicable.

(*b*) A register containing particulars of such examination and test shall be kept in a form approved by the Chief Inspector.

SCHEDULE VI

MANUFACTURE AND TREATMENT OF LEAD AND CERTAIN COMPOUNDS OF LEAD)

1. *Exemptions.*—Where the Chief Inspector is satisfied that all or any of the provisions of this schedule are not necessary for the protection of the persons employed, he may by certificate in writing exempt any factory from all or any of such provisions, subject to such conditions as he may specify therein.

2. *Definitions.*—For the purposes of this schedule :—

(*a*) "Lead Compound" means any compound of lead other than galena which, when treated in the manner described below yields to an aqueous solution of hydrochloric acid, a quantity of a soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis. In the case of paints and similar products and other mixtures containing oil or fat the "dry weight" means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats, varnish or other media.

The method of treatment shall be as follows :—

(*a*) A weighted quantity of the material which has been dried at 100°C and thoroughly mixed shall be continuously shaken for one hour at the common temperature with 1,000 times it's weight of an aqueous solution of hydrochloric acid containing 0.25 per cent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

(*b*) "Efficient exhaust draught" means localised ventilation affected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as for as practicable under the atmospheric conditions—usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

3. *Application.*—This schedule shall apply to all factories or parts of factories in which any of the following operations are carried on :—

(*a*) Work at a furnace where the reduction or treatment of zink or lead ores is carried on.

(*b*) The manipulation, treatment or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zink.

(*c*) The manufacture of solder or alloys containing more than ten per cent of lead.

(*d*) The ,manufacture of any oxide, carbonate, sulphate chromate, acetate nitrate or silicate of lead.

(*e*) Handling or mixing of lead tetraethyl.

(*f*) Any other operation involving the use of a lead compound.

(*g*) The cleaning of workrooms where any of the operations aforesaid are carried on.

4. *Prohibition relating to women and young persons.*—No women or young person shall be employed or permitted to work in any of the operations specified in paragraph 3.

5. *Requirements to be observed.*—No person shall be employed or permitted to work in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment unless the provisions of paragraph 6 to 44 are complied with.

6. *Exhaust draught.*—Where dust, fume, gas or vapour is produced in the process, provisions shall be made for removing them by means of an efficient exhaust draught so contrived as to operate on the dust, fume, gas or vapour as closely as possible to the point of origin.

7. *Certificate of fitness.*—A person so employed has been granted by a certifying Surgeon a certificate of fitness in Form No. 25 and such certificate as in the custody of the Manager of the factory. The certificate shall be kept readily available for inspection by an inspector and the person granted such a certificate shall carry with him, while at work, a token giving reference to such certificate.

8. *Medical Examination.*—(1) The person so employed shall be medically examined by a certifying Surgeon within 14 days of his first employment in such process and thereafter shall be examined by the certifying Surgeon at intervals of not more than three months, and a record of such examinations shall be entered by the certifying Surgeon in the special certificate of fitness granted under paragraph 7.

(2) If at any time the certifying Surgeon is of opinion that any person is no longer fit for employment on the grounds that continuance therein would involve special danger to health, he shall cancel the special certificate of fitness of that person.

(3) No person whose special certificate of fitness has been cancelled shall be employed unless the certifying Surgeon after re-examination, again certifies him to be fit for employment.

9. *Food, Drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be brought or consumed by any worker in any work-room in which the process is carried on and no person shall remain in any such room during intervals for meals or rest.

10. *Protective clothing.*—Suitable protective overalls and head coverings shall provided, maintained and kept clean by the factory Occupier such overalls and head coverings shall be worn by the persons employed.

11. *Cleanliness of work-rooms, tools, etc.*—The rooms in which the persons are employed and all tools and apparatus used by them shall be kept in a clean state.

12. *Washing facilities.*—(1) The Occupier shall provide and maintain for the use of all persons employed suitable washing facilities consisting of—

(*a*) a trough with a smooth impervious surface fitted with a waste pipe without plug and of sufficient length to allow at least 0.6 Meters for every ten persons employed at any one time, and having a constant supply of clean water from taps or jets above the trough at intervals of not more than 0.6 Meters; or

(*b*) at least one wash-basin for every ten persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of clean water; together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material and clean towels.

(2) The facilities so provided shall be placed under the charge of a responsible person and shall be kept clean.

13. *Mess room or Canteen.*—The Occupier shall provide and maintain for the use of the persons employed suitable and adequate arrangements for taking their meals. The arrangements shall consist of the use of a room separate from any work room which shall be furnished with sufficient tables and benches, and unless a canteen serving hot meals is provided, adequate means of warming food. The room shall be adequately ventilated by the circulation of fresh air, shall be placed under the charge of a responsible person and shall be kept clean.

14. *Clock-Room.*—The Occupier shall provide and maintain for the use of persons employed, suitable accommodation for clothing not worn during working hours and for the drying of wet clothing.

SCHEDULE VII

(GENERATION OF GAS FROM DANGEROUS PETROLEUM AS DEFINED WITH PETROLEUM ACT, 1934).

1. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in or shall be allowed to enter any building in which the generation of gas from dangerous petroleum is carried on.

2. *Flame Traps.*—The plant for generation of gas from dangerous petroleum and associated piping and fittings shall be fitted with at least two efficient flame traps so designed and maintained as to prevent a flash back from any burner to the plant. One of these traps shall be fitted as close to the plant as possible. The plant and all pipes and valves shall be installed and maintained free from leaks.

3. *Generating building or rooms.*—All plants for generation of gas from dangerous petroleum erected after the coming into force of the provisions specified in this schedule, shall be erected outside the factory building proper in a separate well ventilated building (herein after referred to as the "generating building". In the case of such plant erected before the coming into force of the provisions specified in this schedule, there shall be no direct communication between the room where such plants are erected (herein after referred to as the "generating room") and the remainder of the factory building. So far as practicable, all such generating rooms shall be constructed of fire resisting materials.

4. *Fire Extinguishers.*—An efficient means of extinguishing petrol fires shall be maintained in any easily accessible position near the plant for generating gas from dangerous petroleum.

5. *Plant to be approved by the Chief Inspector.*—Petrol gas shall not be manufactured except in a plant for generating petrol gas the design and construction of which has been approved by the Chief Inspector.

6. *Escape of petrol.*—Effective steps shall be taken to prevent petrol from escaping into any drain or sewer.

7. *Prohibition relating to smoking.*—No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in the generating room or building or in the vicinity thereof and a warning notice in the language understood by

the majority of the workers shall be posted in the factory prohibiting smoking and the carrying of matches, fire or naked light or other means of producing a naked light or spart into such room or building.

8. *Access to petrol or container.*—No unauthorised person shall have access to any petrol or to a vessel containing or having actually contained petrol.

9. *Electric fittings.*—All electric fittings shall be of flame-proof construction and all electric conductors shall either be enclosed in metal conduits or be lead-sheated.

10. *Construction of doors.*—All doors in the generating room or building shall be constructed to open outwards or to slide and no door shall be locked or obstructed or fastened in such a manner that it cannot be easily and immediately opened from the inside while gas is being generated and any person is working in the generating room or building.

11. *Repair of containers.*—No vessel that has contained petrol shall be repaired in a generating room or building and no repairs to any such vessel shall be undertaken unless live steam has been blown into the vessel and until the interior is thoroughly steamed out or other equally effective steps have been taken to ensure that it has been rendered free from petrol of inflammable vapour.

SCHEDULE VIII

(CLEANING OR SMOOTHING OF ARTICLES BY A JET OF SAND, METAL SHOT OR GRIT OR OTHER ABRASIVE PROPELLED BY A BLAST OF COMPRESSED AIR OR STEAM).

1. *Definition.*—For the purposes of this schedule "sand blasting" means the blasting of any articles by a jet of sand, metal shot, grit or other abrasive.

2. *Sand blasting to be done in enclosed chamber.*—Sand blasting shall not be done in any room except in an enclosed chamber or cabinet in which no other work is performed and at which efficient means are provided, arranged and maintained to prevent the escape of dust to the outside of such chamber or cabinet.

3. *Prohibition relating to employment of women and Young persons.*—No women or young person shall be employed or permitted to work at any operation of sand blasting.

4. *Protecting equipment.*—(1) Unless he is wearing a suitable protective helmet and gauntlets.

(*a*) no person shall be employed or permitted to work at blasting in the open air or work within 9 Metres of sand blasting apparatus in operation in the Open air; and

(*b*) no person shall be employed or permitted to work or allowed in a sand blasting chamber whilst the sand blasting apparatus is in operation.

(2) The occupier of the factory shall provide and maintain in good condition all helmets, overalls and gauntlets that are necessary to comply with the requirements of this schedule.

(3) Every protective helmet shall carry the distinguishing mark of the person by whom it is to be used and shall be provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(4) No person shall wear a protective helmet that has been worn by another person unless such protective helmet shall have been thoroughly disinfected.

(5) All persons engaged in sand blasting while at work shall wear the protective equipment provided under the provisions of this paragraph.

5. *Medical Examination.*—

(*a*) Every person employed in the process specified in paragraph 1 shall be examined by the certifying Surgeon once in every three months or at such other intervals as may be specified in writing by the Chief Inspector of Factories on a day of which the notice shall be given to all concerned and such examination shall take place at a factory.

(*b*) Every person employed shall present himself at the appointed time for examination by the certifying Surgeon as provided in sub-paragraph (1) above.

(*c*) A Health Register in Form No. 17, containing the names of all persons employed in the process specified in paragraph 1 shall be kept.

(*d*) The certifying Surgeon shall record the results of the examination against the name of each worker in the Health Register.

(*e*) No person after suspension shall be employed in the process specified in paragraph 1 without the written sanction from the certifying Surgeon, entered in the Health Register".

SCHEDULE IX

(LIMING AND TANNING OF RAW HIDES AND SKINS AND PROCESS INCIDENTAL THERETO).

1. *Cautionary notices.*—(1) Cautionery notices as to anthrax in the form specified by the Chief Inspector shall be affixed in prominent positions in the Factory where they may be easily and conveniently read by the persons employed.

(2) A copy of a warning notice as to anthrax in the form specified by the Chief Inspector shall be given to each person employed when he is engaged, and subsequently if still employed on the first day of each calendar year.

(3) Cautionary notices as to the effects of chrome on the skin shall be affixed in prominent positions in every factory in which chrome solutions are used and such notices shall be so placed as to be easily and conveniently read by the persons employed.

(4) Notices shall be affixed in prominent places in the factory stating the position of the "First Aid Box" or cupboard and the name of the person in charge of such box or cupboard.

(5) If any person employed in the factory is illeterate, effective steps shall be taken to explain carefully to such illeterate person the contents of the notice specified in sub-paragraphs 1, 2 and 4 and if chrome solutions are used in the factory the contents of the notice specified in paragraph 3.

2. *Protective clothing.*—The occupier shall provide and maintain in good condition the following articles of protective clothings :—

(*a*) Water--proof Footwear, leg coverings, aprons, and rubber gloves for persons employed in processes involving contact with chrome solutions including the preparation of such solutions :—

(*b*) Protective footwear, aprons and gloves for persons employed in the handling of hides or skins other than in processes specified in clouse (*a*).

Provided that gloves shall not be required for persons flashing by hand or where there is no risk of contact with lime, sodium sulphate or other caustic liquor.

3. *Washing facilities, mess room and clock-room.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed :—

(*a*) a trough with smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow of at least 0.6 Meters for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 0.6 Meters.

(*b*) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water; together with, in either case, a sufficient supply of nail brushes, soap or other suitable, cleansing material, and clean towels;

(*c*) a suitable mess room adequate for the number remaining on the premises during the meal intervals, which shall be furnished with (1) sufficient tables and benches and (2) adequate means for warming food and for boiling water:

The mess room shall (1) be separate from any room or shed in which hides or skins are stored, treated or manipulated, (2) be separate from the clock-room, and (3) be placed under the charge of a responsible person.

(*d*) suitable accommodation for clothing not worn during the workings hours with adequate arrangements for drying the clothing if wet. The accommodation so provided shall be placed under the charge of a responsible person.

4. *Food, drinks, etc., prohibited in work rooms.*—No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work-room or shed in which hides or skins are stored, treated or manipulated.

5. *First Aid arrangements.*—The occupier shall (*a*) arrange for an inspection of the hands of all persons coming into contact with chrome solutions to be made twice a week by a responsible person;

(*b*) Provide and maintain a sufficient supply of suitable ointment and impermeable water-proof plaster in a box readily accessible to the worker and used solely for the purpose of keeping the ointment and plaster.

SCHEDULE X

Cellulose Spraying

1. *Application.*—The provisions of this schedule shall apply to all factories or parts of factories in which the spraying of cellulose ester paints or lacquers is carried on.

2. *Prohibition of the Employment of Children and Adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in paragraph 1 above.

3. *Exhaust draught.*—An efficient exhause draught shall be provided by mechanical means for the process specified in paragraph 1 above. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation.

Provided that the Chief Inspector may grant exemption from these provisions if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

4. *Position of spray operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

SCHEDULE XI

(Graphite powdering and incidental processes)

1. *Application.*—The provisions of this schedule shall apply to all factories or parts of factories in which the grinding and sliving of graphite and the processes incidental thereto are carried on.

2. *Prohibition of employment of women, children and adolescents.*—No women, child, or adolescent shall be employed in any factory upon any of the operations specified in paragraph 1 above.

3. *Medical Certificate and Examination.*—(1) No person shall be employed in any factory for more than fifteen days in the year upon any of the operations specified in paragraph 1 above unless

a special certificate of fitness in Form No. 25, granted to him by a certifying Surgeon appointed under section 10, is in the custody of the Manager of the factory.

(2) The Inspector of Factories may require that any person in respect of whom a certificate referred to in sub-paragraph 1 has been granted shall carry with him while at work a token giving reference to such certificate.

(3) Every person so employed shall be medically examined by a certifying Surgeon at intervals of not more than six months and a record of such examination shall be entered in the special certificate granted under sub-paragraph (1).

(4) If at any time a certifying Surgeon is of opinion that any person is no longer fit for employment upon any of the operations specified in paragraph 1 above he shall cancel the special certificate of fitness granted to that person.

(5) No person whose special certificate of fitness has been cancelled shall be employed upon any of the operations specified in paragraph 1 above unless a certifying Surgeon again certifies him to be fit.

4. *Exhaust Draughts.*—Provision shall be made for removing the dust produced in any of the operations specified in paragraph 1 above by means of an efficient exhaust draught so contrived as to operate on the dust as closely to the point of origin as possible.

Provided that where the provision of an exhaust draught is not reasonably practicable the Inspector may require.

(*a*) respirators of a type approved by him to be provided and maintained in a clean and efficient condition by the occupier and worn by every person working under such condition ; and

(*b*) the damping of floors, apparatus and material to prevent the raising of dust.

5. *Floors and work-benches.*—(1) The floor of every room in which any person is employed upon any of the operations specified in paragraph 1 above shall be of cement or other impervious materials.

(2) The top of every work-bench in every such room shall be of impervious material.

(3) The said floors and work benches shall be kept clean and in good condition.

(4) The Inspector may, by order in writing, require the said floors and work benches to be kept wet in such manner as he may deem suitable, in order to reduce dust.

6. *Washing Facilities.*—The occupier shall provide and maintain in a clean state and in good repair for the use of persons employed upon any of the operations specified in paragraph 1 above either (*a*) a trough with smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least 0.6 Meters for every five such persons employed at any one time, and having constant supply of water from taps or jets above the trough at intervals of not more than 0.6 Meters or (*b*) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug having a constant supply of water together with, in either case a sufficient supply of nail brushes, soap or other suitable cleaning material and cleaning towels.

7. *Food, Drink and Tobacco.*—No food, drink, pan supari or tobacco shall be brought into, or consumed in any room in which any person is employed upon any of the operations specified in paragraph 1 above.

8. *Protective clothing.*—Adequate protective clothing such as overalls in a clean condition shall be provided by the occupier to every person employed upon any of the operations specified in paragraph 1 above.

9. *Exemptions.*—The Chief Inspector may exempt any factory or part of a factory from the provisions of paragraphs 4 to 7 to the extent he deems suitable, if he is satisfied that their observance is not necessary for safeguarding the health of the operatives.

SCHEDULE XII

(MANUFACTURE OF CHROMIC ACID OR MANUFACTURE OR RECOVERY OF THE BYCHROMATE OF SODIUM OR POTTASIUM OR AMMONIUM).

1. *Definitions.*—For the purposes of this Schedule:—

(*a*) "Chrome Process" means the manufacture of chromic acid or bichromaet of sodium or potassium or ammonium or the manipulation, movement or other treatment of the substances in connection with their manufacture.

(*b*) "Efficient exhaust draught" means localised ventilation effected by mechanical or other means for the removal of gas, vapour, dust or fumes so as to prevent them from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated to the point where such gas, vapour, fumes or dust originate.

(*c*) "Suspension", means suspension from employment in any of the chrome processes specified by written certificate in the Health Register (Form No. 16) signed by the certifying Surgeon, who shall have power of suspension as regards all persons employed in any such process.

2. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any chrome process.

3. *Efficient exhaust draught.*—The following chrome process shall not be carried on without the use of an efficient exhaust draught, namely :—

(*a*) grinding, (*b*) sieving, (*c*) batch mixing; (*d*) concentration.

3-A. *Separation of certain processes.*—The following chrome processes namely :—

(*a*) grinding of raw materials, and

(*b*) sieving of raw materials,

shall be carried on in such manner and under such conditions as to secure effectual separation from any other processes.

4. *Washing facilities.*—(1) Where acidification, sulphate settling or washing, concentration, crystallisation, centrifugation or packing is carried out, there shall be provided close to each worker's station :—

(*a*) wash places installed for washing hands and feet frequently in running water, and

(*b*) a container holding at least 600 c.c. of 10 per cent solution of sodium bisulphite or any other suitable reducing agent.

(2) There shall also be provided and maintained in a cleanly state and good repair washing accommodation under cover with sufficient supply of soap and towels on the scale indicated below :—

Atleast one tap or stand pipe for every 10 employees and the tap or pipe shall be spaced not less than 1.2 Meter apart.

Note.—In computing the total number of taps required for the purposes of this rule, the taps or stand pipes as required under clause 5(1) (a) shall be included.

5. *Time to be allowed for washing.*—Before each meal and before the end of the day's atleast ten minutes, in addition to the regular meal time, shall be allowed for washing, to each person employed in a chrome process.

6. *Flooring.*—The floor of every work-room shall be :—

(*a*) of cement or similar other material so as to be smooth and impervious to water and provided with suitable gradient and drainage ;

(*b*) maintained in sound condition and cleaned daily.

7. *Medical Facilities.*—(1) The occupier of the factory shall appoint a qualified medical practitioner who shall examine and treat all workers for chrome ulcerations on the premises atleast thrice a week. Records of such examination and treatment shall be maintained in a Form approved by the Chief Inspector of Factories and shall be available to the Inspectors for inspection. Medicanents, dressings and other equipments required for such examinations and treatment shall be provided by the occupier.

(2) The occupier shall in addition appoint a person trained in First Aid who shall inspect daily the hands and feet of all persons employed and shall keep a record of such inspection in a register maintained for the purpose in a Form approved by the Chief Inspector of Factories.

(3) The occupier shall also provide and maintain a sufficient supply of suitable ointment and impermeable water proof plaster in a separate box readily accessible to the workers and used solely for the purpose of keeping the ointment and plaster.

8. *Protective Equipment.*—(1) The occupier shall provide and maintain for the use of all persons employed :—

(*a*) in grinding, sieving or mixing raw materials sufficient and suitable respirators (issued separately for each individual) filtering materials of which shall be renewed daily ;

(*b*) in roasting process, suitable footwear ;

(*c*) in acidification, setting, concentration crystillisation centrifugation or packing suitable aprons and protective coverings for hands and feet.

(2) Arrangements shall be made by the occupier for the examination and cleaning of all the protective equipment at the close of each day's work and for the repairs or renewal thereof when necessary.

9. *Use of protective equipment.*—Every person employed in a chrome process shall make use of the protective equipment provided under Rule 8.

10. *Cloak Room.*—There shall be provided and maintained in a clean state and in good repair for the use of all persons employed in any chrome process :—

(*a*) a cloak room for street clothing put off during working hours including adequate arrangements for drying such clothing, when wet, such accommodation shall be separate from any mess room ;

(*b*) separate and suitable arrangements for the storage of protective clothing provided under paragraph 8.

11. *Mess Room.*—(1) There shall be provided and maintained for the use of all persons remaining within the premises during the meal intervals a suitable mess-room providing accommodation of atleast 0-93 Sq. M. per head and furnished with :—

(i) a sufficient number of tables and chairs or benches ;

(ii) arrangements for washing utensils,

(iii) adequate means for warming food.

(2) The mess-room shall be placed under the charge of a responsible person, and shall be kept clean.

12. *Food, Drink, etc., prohibited in work rooms.*—No food, drink, 'Pan', 'Supari' or tobacco shall be brought or consumed by any worker in any work room in which chrome process is carried on and no person shall remain in any such room during intervals for meals or rest.

13. *Medical Examination.*—(1) Every person employed in a chrome process shall be examined by the certifying Surgeon once in every calendar month, or at such other intervals as may be specified in writing by the Chief Inspector on a day of which due notice shall be given to all concerned and such examination shall take place on the factory premises.

(2) Every person employed shall present himself at the appointed time for examination by the certifying Surgeon is provided in clause (1).

(3) A Health Register in Form No. 16 containing the names of all persons employed in a chrome process shall be kept.

(4) No person after suspension shall be employed in chrome process without a written sanction from the certifying Surgeon entered in the Health Register.

14. *Fencing of vessels.*—Every fixed vessel, whether pot, pan, vat or other structure, containing any dangerous material and not so covered as to eliminate all reasonable risk of accidental immersion of any portion of the body of a person employed shall be fenced as follows :—

(*a*) Each such vessel, shall unless its edge is atleast 1 Meter above the adjoining ground or platform be security fenced to a height of atleast a Meter such adjoining ground or platform.

(*b*) No plank or gangway shall be placed across or inside any such vessel unless such plank or gangway is :—

(i) atleast 0.46 Meter wide ; and

(ii) securely fenced on both sides, either by upper and lower rails, to a height of 1 Meter or by other equally efficient means ;

(*c*) If any two such vessels are near each other and the space between them clear of any surrounding brick-work or other work, is either :—

(i) Less than 0.46 Metres in width, or

(ii) is .46 Meters in width, but is not securely fenced on both sides to a height of atleast 1 Meter secure barriers shall be placed so as to prevent any passage between them.

15. *Cautionery Notice.*—A cautionery notice in the form specified by the Chief Inspector and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers.

16. *Exemption.*—If in respect of any factory the Chief Inspector is satisfied that owing to the execptional circumstances of the infrequency of the process, or for any other reason, oil or any of the provisions of this schedule are not necessary for the protection of the persons employed in such factory, he may by certificate in writing exempt such factory from all or any of the provisions indicated in such certificate on such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector, without assigning any reasons.

SCHEDULE XIII

(MANIPULATION OF NITRO OR AMIDO COMPOUNDS)

1. *Definition.*—For the purposes of this schedule :—

(*a*) "Nitro or amido compound" means :—

(i) Paranitraniline (Fast Red B. G. Base),

(ii) Benzidine (Fast Corinth B. Base),

(iii) Alpha Naphthylamine (Fast Farnet B. Base),

(iv) Beta Naphthylamine (Fast scareley B. Base).

(*b*) "Efficient exhaust Draught" means localised ventilation effected by mechanical means for the removal of dust or fumes so as to prevent them from escaping into the air or any place in which work is carried on. No draught shall be deemed efficient which fails to remove the dust or fumes generated at the point where such dust or fumes originate.

2. *Application.*—This schedule shall apply to all factories or parts of factories in which crushing, grinding, sieving, mixing or filling in respect of nitro or amido compounds is carried on.

3. *Prohibition relating to women and Young persons.*—No woman or young person shall be employed or permitted to work in any operation involving the use of nitro or amido compounds or at any place where such operations are carried on.

4. *Mixing and filling.*—The nitro or amido compounds shall not be required or allowed to be mixed or filled in cartridges by hand except by means of a suitable scoop.

5. *Exhaust Draught.*—The operations mentioned in paragraph 2 shall not be carried on without the use of an efficient exhaust draught. Any dust or fumes produced shall be drawn into it and carried on to a dust collecting system.

6. *Medical Examination.*—(1) Every person employed in any process involving the use of nitro or amido compounds shall be medically examined by a certifying Surgeon within thirty days of his first employment in such process and he shall thereafter be examined by the certifying Surgeon at intervals of not more than three months and a record of such examinations shall be entered by the certifying Surgeon in the certificate of fitness granted under paragraph 7.

(2) If at any time the certifying Surgeon is of opinion that any person employed is no longer fit for employment on the ground that continuance therein would involve special danger to health he shall cancel the certificate of fitness granted to that person.

(3) No person whose certificate of fitness has been cancelled shall be re-employed unless the certifying Surgeon, after re-examination, again certified him to be fit for employment.

7. *The Certificate of fitness.*—A person medically examined under paragraph 6 and found fit for employment shall be granted by a certifying Surgeon a certificate of fitness in Form No. 25, with the necessary modifications and such certificates shall be in the custody of the manager of the factory. The certificate shall be kept readily available for inspection by any Inspector and the person granted such a certificate shall carry with him while at work, a token giving reference to such certificate.

8. *Flooring.*—The floor of every work-room where any operation involving the use of nitro or amino compounds is carried on shall be made of cement or similar other material (Excluding asphalt, tar or similar other materials which readily absorb or combine with coal-tar derivatives) so as to be smooth and impervious to water and shall be cleaned daily and maintained in sound condition.

9. *Protective equipment.*—(1) The Occupier shall provide, maintain, in good repair and keep in a clean condition for the use of all persons employed in any operations mentioned in paragraph 2 suitable protective wear for hands, feet and head, suitable aprons or overalls, goggles and respirators. The filtering material of the respirators shall be renewed daily.

(2) The protective equipment provided shall be used by the persons concerned while at work.

10. *Washing facilities.*—The Occupier, shall provide and maintain in cleanly state and in good repair for the use of all persons employed in and of the processes specified in paragraph 2, a wash place under cover, with either :—

(*a*) (i) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least 0.6 Meters for every five such persons employed at and one time, and having a constant supply of clean water from taps or jets above the trough at intervals of not more than 0.6 Meters ; or

(ii) at least one tap or stand pipe for every five such persons employed at any one time and having a constant supply of clean water, the tap or stand pipe being spaced not less than 1.2 Meter apart; and

(*b*) a sufficient supply of clean towels made of suitable materials renewed daily with sufficient supply of nail brushes and soap.

11. *Time to be allowed for washing.*—Before each meal and before the end of the day's work, atleast ten minutes, in addition to the regular meal time shall be allowed for washing to each person employed in any of the processes mentioned in paragraph 2.

12. *Facilities for bathing.*—The Occupier shall provide sufficient bath accommodation to the satisfaction of the Chief Inspector together with a sufficient supply of soap and clean towels for all persons employed in any of the processes mentioned in paragraph 2.

13. *Provisions of sodium sulphate.*—(1) The occupier shall provide and maintain in a cleanly state sufficient quantity of 10 per cent solution of sodium bisulphate.

(2) All persons employed shall wash their hands and gloves before taking meals and before leaving the factory on each working day.

14. *Mess Room.*—(1) There shall be provided and maintained for the use of all persons remaining within the premises during the meal intervals, a suitable mess room providing accommodation of atleast 0.93 sq. Meter per head and furnished with :—

(i) a sufficient number of tables and chairs or benches with back rest;

(ii) arrangements for washing utensils;

(iii) adequate means for warming food;

(iv) adequate quantity of drinking water.

(2) The rooms shall be adequately ventilated by the circulation of fresh air and placed under the charge of a responsible person and shall be kept clean.

15. *Food, Drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be brought or consumed by any worker into any work-room in which any of the processes mentioned in paragraph 2 is carried on and no person shall remain in any such room during intervals for meals or rest.

16. Clock-Room, etc.—There shall be provided and maintained for use of all persons employed in any of the processes mentioned in paragraph 2: —

(*a*) a cloak-room for clothing put off during working hours, such accommodation shall be separate from any mess room ;

(*b*) separate and suitable arrangements for the storage of protective equipment provided under paragraph 9.

17. *Cautionery placard.*—A cautionery placard in the form specified by the Chief Inspector and printed in the language which majority of the workers employed understand shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers. If any person employed in the factory is illiterate, effective steps shall be taken to explain carefully to such illeterate person the contents of the placard affixed.

18. Exemption.—If in respect of any factory the Chief Inspector of Factories is satisfied that all or any of the provisions of this schedule are not necessary for the protection of the persons employed in such factory, he may by certificate in writing, exempt such factory from all or any of such provisions, subject to such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector without assigning any reasons.

SCHEDULE XIV

(Manipulation of acids or alkalies)

1. *Definition.*—For the purposes of this schedule acid or alkalis include sulphuric acid, nitric acid, hydrochloric acid, hydrofluric acid or carbolic acid, or anhydrous liquid ammonia, sodium hydroxide or potassium hydroxide or mixtures thereof.

2. *Application.*—This schedule shall apply in respect of all factories or any part thereof in which acids or alkalies are manufactured, stored, handled, packed or used.

3. *Flooring.*—The floor of every work-room to which this schedule applies shall be made of impervious, fire-resistant material and shall be so constructed as to prevent collection of acids and alkalies. The surface of such floor shall be smooth and cleaned as often as necessary, and maintained in a sound condition.

4. *Protective equipment.*—(1) The Occupier shall whenever so directed by an Inspector provide maintain in good order and keep in a clean condition for the use of all persons employed in any

operation mentioned in paragraph 2 suitable protective wear for hands and feet, suitable aprons, acid handlers, goggles, and suitable respirators.

(2) The protective equipment provided shall be used by the person concerned while at work.

5. *Water facilities.*—Where any of the operations mentioned in paragraph 2 is carried on there shall be provided close to the place of such operation a source of water at a height of 2.1 Meters secured from a pipe of 2.5 Cm. diameter and fitted with a quick acting valve so that in case of injury to the worker by acid of alkalies, the injured part can be throughly flooded with water.

6. *Cautionery Notice.*—A cautionery notice in the following form and printed in the language which majority of the workers employed understand, shall be affixed prominently close to the place where any of the operations mentioned in paragraph 2 is carried on and where it can be easily and conveniently read by the workers. If any worker is illeterate, effective steps shall be taken to explain carefully to him contents of the notice so affixed.

CAUTIONARY — NOTICE

DANGER

Acids and Alkalies cause severe burns and vapours thereof may be extremely hazardous. In case of contact immediately flood the part effected with plenty of water for atleast 15 minutes.

7. *Transport.*—

(*a*) Acids or alkalies shall not be filled, moved or carried except in containers, including crates of sound construction and of sufficient strength.

(*b*) Containers having a capacity of 11.36 or more Litres of acid or alkalies shall be placed in a receptacle or crate and then carried by more than one person at a height below the waist line unless a suitable rubber wheeled truck is used for the purpose.

8. *Devise for handling acids or alkalies.*—

(*a*) Suitable tilting or lifting devise shall be used for emptying jars or carboys containing acids.

(*b*) Alkalies shall not be handled by bare hands but by means of a suitable scope.

9. *Opening of valves.*—Valves fitted to containers holding acid or alkali which do not work freely shall not be forced open. They shall be opened by a worker suitably trained for the purpose.

10. *Cleaning tanks, stills, etc.*—In cleaning out or removing residues from stills or other large chambers used for holding acids wooden implements shall be used to prevent production of arseniuretted hydrogen (Arsine).

11. *Storage.*—Acids shall not be stored in any room used for strong turpentine, carbides, metallic powders and combustible materials.

12. *Fire extingusihers.*—An adequate number of a suitable type of fire extinguishers shall be placed near each acid storage which shall be regularly tested and refilled. Clear instructions as to how the extinguishers should be used printed in the language which majority of workers employed understand, shall be affixed near each extinguisher.

13. *Exemption.*—If in respect of any factory on an application made by the Manager, the Chief Inspector is satisfied that owing to the exceptional circumstances or the infrequency of the process, or for any other reason, all or any of the provisions of this schedule are not necessary for the protection of the persons employed in such factory, he may be certificate in writing exempt such factory from all or any of the provisions indicated in such certificate on such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector.

SCHEDULE XV

(Manufacture of Pottery)

1. *Definition.*—

(*a*) "Pottery" includes earthenware, stoneware, porcelain, china, and any other articles made from clay or from a mixture containing clay and other materials such as quarts, flint, feldspar and *gypsum*.

(*b*) "Efficient exhaust draught" means localised ventilation effected by mechanical or other means for the removal of dust or fume so as to prevent it from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove effectively dust or fume generated at the point where dust or fume originates.

The following processes shall not be carried on without the use of an efficient exhaust draught.	*Reference to Tables in the report on silicosis in the*
(1)	(2)
Sub-Clause (viii).—Fettling of biscuit ware which has been fired in powdered flint or quartz except where this is done in machines so enclosed as to effectually prevent the escape of dust.	Item 7 in table VI.
Sub-Clause (ix).—Ware cleaning after the application of glaze by dipping or other process.	Item 8 in table VIII.
Sub-Clause (x).—Crushing and dry grinding of materials for pottery bodies, and saggars, unless carried on in machines so enclosed as to effectively prevent the escape of dust or is so damp that no dust can be given off.	Items 2, 4 in table III, 1 in table V and 3, 4 in table IX.
Sub-Clause (xi).—Sieving or manipulation of powdered flint, quartz, clay grog or mixture of these materials unless it is so damp that no dust can be given off.	Items 5, 6 and 7 in table IX.
Sub-Clause (xii).—Grinding of tiles in a power driven wheel unless an efficient water spray is used on the wheel.	This operation was not being carried on.
Sub-Clause (xiii).—Lifting and conveying of materials by elevators and conveyors unless they are effectively enclosed and so arranged as to prevent escape of dust into the air in or near to any place in which persons are employed.	Items 2, 4 in table III and item 1 table V. *Note.*—Elevators were close to the crushers and grinders.
Sub-Clause (xiv).—The preparation or weighing out of flow material, lawning of dry colours colour dusting and colour blowing.	Item 7, 8 in table VIII.

The following processes shall not be carried on without the use of an efficient exhaust draught.	*Reference to Tables in the report on silicosis in the*
(1)	(2)
Sub-Clause (xv).—In mould making unless the bins or similar receptacles used for holding plaster of Paris are provided with suitable covers.	Item 5 in table VII.
Sub-Clause (xvi).—The manipulation of calcined material unless the material has been made and remains so wet that no dust is given off.	Item 2 and 3 in table VII.
Clause 11 (1).—Protective equipment. *Clause* 11 (4).—Protective equipment.	All persons employed in dusty operations should be supplied with overalls and head coverings.

Item 8 in table III 1, 3 in table IV and 6, 7 in table IX.

3. Each of the following processes shall be carried on in such a manner and under such conditions so as to secure effectual separation from one another, and from other wet processes :—

(*a*) Crushing and dry grinding or sieving of materials, fettling, pressing of tiles, drying of clay and greenware *loading and unloading of saggars*.

(*b*) All processes involving the use of a dry lead compound.

4. No glaze which is not a leadless glaze or a low solubility glaze shall be used in a factory in which pottery is manufactured.

5. No woman or young person shall be employed or permitted to work in any of the operations specified in Clause 2, or at any place where such operations or carried on.

6. The potter's wheel (Jolly and Jigger) shall be provided with screens or so constructed as to prevent clay scrapings being thrown off beyond the wheel.

7. (1) All practical measures shall be taken by damping or otherwise to prevent dust arising during cleaning of floors.

(2) Damp saw-dust or other suitable material shall be used to render the moist method effective in preventing dust rising into the air during the cleaning process which shall be carried out after work has ceased.

(*c*) "Fettling" includes scalloping towing, sand papering sand sticking, brushing or any other process of cleaning of pottery, pottery-ware in which dust is given off.

(*d*) "Leadless glaze" means a glaze which does not contain more than one per cent of its dry weight of a lead compound calculated as lead monoxide.

(*e*) "Low solubility glaze" means a glaze which does not yield to dilute hydrochloric acid more than five per cent of its dry weight of soluble lead compound calculated as lead monoxide when determined in the manner described below :—

A weighed quantity of the material which has been dried at 100°C and throughly mixed shall be continuously shaken for one hour, at the common temperature with 1000 times its weight of an aqueous solution of hydrochloric acid containing 0.25 per cent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphite and weighed as lead sulphate.

(*f*) "Ground or powdered flint or quartz" does not include natural sands.

(*g*) "Potter's shop" includes all places where pottery is formed by pressing or by an other process and all placess where shaping, fettling or other treatment of pottery articles prior to placing for the biscuit fire is carried on.

2. *Efficient exhaust draught* :—

The following processes shall not be carried on without the use of an efficient exhaust draught.	*Reference to Tables in the report on silicosis in the*
(1)	(2)
Sub-Clause (i).—All processes involving the manipulation or use of a dry and untritted lead compound.	Pottery Ceremic Industry. Item 9 in table VI.
Sub-Clause (ii).— The fettling operations of any kind, whether on greenware or biscuit, provided that this not apply to the wet fettling, and to the occasional finishing of pottery articles without the aid of mechanical power.	Item 5, 6, 13, 16 in table V items 7 table VI and item 6 table VIII.
Sub-Clause (iii).—The sifting of clay dust or any other material for making tiles or other articles by pressure,	Item 3 in table V.

The following processes shall not be carried on without the use of an efficient exhaust draught.	*Reference to Tables in the report on Silicosis in the*
(1)	(2)
except where :— (*a*) this is done in a machine so enclosed as to effectually prevent the escape of dust ; or (*b*) the material to be sifted is so damp that no dust can be given off.	
Sub-Clause (iv).—The pressing of tiles from clay dust an exhaust opening being connected with each press ; this clause shall also apply to the pressing from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.	Item 2 in table V.
Sub-Clause (v).—The fettling of tiles made from clay dust by pressure, except where the fettling is done wholly on, or with, damp material ; this clause shall also apply to the fettling of other articles made from clay dust, unless the material is so damp that no dust is given off.	Item 6 in table V.
Sub-Clause (vi).—The progress of loading and unloading of saggars where handling and manipulation of ground and powdered flint, quartz, aluminia or other materials are involved.	Items 1, 2, 3 in table VI.
Sub-Clause (vii).—The brushing of earthenware biscuit, unless the process is carried on in a room provided with efficient general mechanical ventilation or other ventilation which is certified by the Inspector of Factories as adequate, having regard to all the circumstances of the case.	Item 6 in table V and item 7 in table VI.

8 The floors of potters' shops, slip houses, dipping houses and ware cleaning rooms shall be heard, smooth and impervious and shall be thoroughly cleaned daily by a moist method by an adult male.

9. *Medical Examinations.*--(1) All persons employed in any process included under clause 2 shall be examined by the Certifying Surgeon within 7 days preceeding or following the date of their employment in such process; thereafter all persons employed in any process included under clause 2(i) and (xiv) shall be examined by the Certifying Surgeon once in every three calendar months, and those employed in any process included in clause 2(ii) to (xiii) and (xv) and (xvi) once in every 12 months by the Certifying Surgeon. Records of such examinations shall be entered by the Certifying Surgeon in the Health Register and Certificate of fitness granted to him under clause 10.

(2) If at any time the Certifying Surgeon is of opinion that any person employed in any process included in clause 2 is no longer fit for employment on the ground that continuance therein would involve damage to his health, he shall cancel the certificate of fitness granted to that person.

(3) No person whose certificate of fitness has been cancelled shall be re-employed unless the Certifying Surgeon after examination, again certifies him to be fit for employment.

10. *Certificate of fitness.*—A person medically examined under clause 9 and found fit for employment shall be granted by the Certifying Surgeon a certificate of fitness in Form No. 4 and such certificate shall be in the custody of the Manager of the Factory. The certificate shall be kept readily available for inspection by any inspector and the person granted such a certificate shall carry with him while at work, a token giving reference to such certificate.

11. *Protective equipment.*—(1) The Occupier shall provide and maintain suitable over-alls and head coverings for all persons employed in process included under clause 2.

(2) The occupier shall provide and maintain suitable aprons of a water-proof or similar material which can be sponged daily, for the use of the dippers, dippers assistants, throwers, jolly workers, casters, mould makers and filter press and pug mill workers.

(3) Aprons provided in pursuance of clause 11(2) shall be thoroughly cleaned daily by the wearers by sponging or other wet process. All over-alls and head coverings shall be washed, cleaned and mended at least once a week and this washing, cleaning or mending shall be provided for by the occupier.

(4) No person shall be allowed to work in emptying sacks of dusty materials, weighing out and mixing of dusty materials and charging of ball mills and blungers without wearing a suitable and efficient dust respirator.

12. Washing Facilities.—(1) The occupier shall provide and maintain, in a cleanly state and in good repair for the use of all persons employed in any of the processes specified in clause (2), a wash place under cover, with either :—

(*a*) (i) a trough with smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow at least 0.6 meters for every five such persons employed at any one time, and having a constant supply of clean water from taps or jets above the trough at intervals of not more than 0.6 meters ; or

(ii) at least one tap or stand pipe for every five such persons employed at any one time, and having a constant supply of clean water, the tap or stand pipe being spaced not less than 1.2 meters apart ; and

(*b*) A sufficient supply of clean towels made of suitable material changed daily, with sufficient supply of nail brushes and soap.

13. *Time allowed for washing.*—Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person employed in any of the processes mentioned in clause 2.

14. *Mess room.*—(1) There shall be provided and maintained for use of all persons remaining within the premises during the rest intervals, a suitable mess-room providing accommodation, of 159 meters per head and furnished with :—

(i) a sufficient number of tables and chairs or benches with back rest ;

(ii) arrangements for washing utensils ;

(iii) adequate means for warming food ;

(iv) adequate quantity of drinking water.

(2) The room shall be adequately ventilated by the circulation of fresh air and placed under the charge of a responsible person and shall be kept clean.

15. *Food, drinks, etc., prohibited in workrooms.*—No food, drink, pan and supari, or tobacco shall be brought into or consumed by any worker in, any work-room in which any of the processes

mentioned in clause 2 are carried on and no person shall remain in any such room during intervals for meals or rest.

16. *Cloak-room, etc.*—There shall be provided and maintained for the use of all persons employed in any of the processes mentioned in clause 2 :—

(*a*) a cloak-room for clothing put off during working hours and such accommodation shall be separate from any mess room ;

(*b*) separate and suitable arrangements for the storage of protective equipment provided under clause 11.

17. These regulations shall not apply to a factory in which any of the following articles, but no other pottery, are made :—

(*a*) unglazed or salt glazed bricks and tiles, and

(*b*) architectural terra-cotta made from plastic clay and either unglazed or glazed with a leadless glaze only.

18. *Exemption.*—If in respect of any factory the Chief Inspector of Factories is satisfied that all or any of the provision of this Schedule are not necessary for the protection of the persons employed in such factory, he may by a certificate in writing exempt such factory from all or any of such provisions, subject to such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector without assigning any reasons.

SCHEDULE XVI

(Chemical Works)

1. *Application.*—These Rules shall apply to all manufacturers and processes incidental thereto carried on in chemical works. These rules shall be in addition to and not in derogation of any provisions of the Factories Act or any other rules made thereunder or of any other Act or Rules.

2. *Definition.—Chemical Works.*—Means any factory or such parts of any factory as are named in Schedule 1 to these Rules.

Breathing Apparatus means.—(1) a helmet or face-piece with necessary connections by means of which a person using it in a poisonous, asphyxiating or irrltant atmosphere breathes ordinary air, or (2) any other suitable apparatus approved in writing by the Chief Inspector.

Life-belt.—means a belt made of leather or other suitable material which can be securely fastened round the body, with a suitable length of rope attached to it, each of which is sufficiently strong to sustain the weight of a man.

Efficient exhaust draught.—means localised ventilation effected by mechanical or other means for the removal of gas, vapour, fume, or dust to prevent it from escaping into the air of any place in which work is carried on.

Surgeon means a Certifying Surgeon appointed under Section 10 of the Factories Act, 1948.

Suspension means suspension by written certificate in the Health Register, signed by the Surgeon from employment in any process mentioned in the certificate.

Bleaching powder means the bleaching powder commonly called chloride of lime.

Chlorate means chlorate or perchlorate.

Caustic means hydroxide of potassium or sodium.

Caustic pot means a metal pot fixed over a furnace or flue and surrounded by brickwork such as is commonly used for concentrating caustic liquor, whether such pot be used for concentrating or boiling caustic or other liquor.

Chrome process means the manufacture of chromate or bichromate of potassium or sodium, or the manipulation, movement or other treatment of these substances in connection with their manufacture.

Nitro or amino process means the manufacture of nitro or amino derivatives of phenol and of benzene or its homologues, and the making of explosives with the use of any of these substances.

3. *Exceptions.*—If the Chief Inspector is satisfied in respect of any factory or any process that, owing to the special conditions or special methods of work, or by reason of the infrequency of the process or for other reasons all or any of the requirements of these Rules are not necessary for the protection of persons employed in any factory or process, he may by order in writing (which he may in his discretion revoke) exempt such factory or process from all or any of the provisions of these Rules subject to such conditions as he may by such order prescribe.

PART I—APPLYING TO ALL THE WORKS IN SCHEDULE I

General

4. *House keeping.*—1. (*a*) Every part of the ways, works, machinery and plant shall be maintained in a clean and tidy condition.

(*b*) Any spillage of materials shall be cleaned up without delay.

(*c*) Floors, platforms, stairways, passages and gangawys shall be kept free of temporary obstructions.

(*d*) There shall be provided easy means of access to all parts of the plant to facilitate cleaning, maintenance and repairs.

5. *Improper use of chemicals.*—2. (*a*) No Chemicals or solvents shall be used by workers for any purposes apart from the processes for which they are supplied.

(*b*) Workers shall be instructed on the possible dangers arising from such misuse. These instructions shall further be displayed in bold letters in prominent places in the different sections.

6. *Storage of Food.*—3. (*a*) No food, drink, tobacco, pan or similar article shall be stored or consumed on or near any part of the plant.

7. *Testing.*—(*b*) Workers shall be instructed on the possible dangers arising from the testing of materials, or of the use for drinking purposes of any vessel used in, or in connection with, the manufacture of chemicals. These instructions shall further be displayed in bold letters in prominent places in the different Sections.

8. *Process Hazards.*—4. Before commencing any large-scale experimental work, or any new manufacture, all possible steps shall be taken to ascertain definitely all the hazards involved both from the actual operations and the Chemical reactions. The properties of the raw materials used, the final products to be made, and any by-products arising during manufacture, shall be carefully studied and provisions shall be made for dealing with any hazards including effects on workers, which may arise, during manufacture.

The design of the buildings and plant shall be based on the information so obtained.

9. *Unauthorised Personnel.*—5. (a) Unauthorised persons shall not be permitted to enter any section of the factory or plant where there are special dangers.

Visitors.—(*b*) Visitors shall be provided, where necessary, with suitable safety equipment and shall be accompanied round dangerous plant by a responsible official.

10. *Instruments.*—6. All Instruments such as pressure stages thermometers, flow meters, and weighing machines shall be tested at regular intervals by a competent person, and records of these tests shall be kept in a register.

11. *Cocks and Valves.*—7. Suitable valves shall be provided in all service lines at sufficiently short intervals for convenience in blanking off, etc. All cocks and valves shall be operated at least once a month, and tested periodically by *a competent person*, and records of these tests shall be kept in a register. A plan of all service installations shall be kept readily available for perusal.

Manholes.—8. No manhole shall be opened for entry until effective fencing has been erected round it.

Emergency instructions.—9. Simple and special instructions shall be framed to ensure that effective measures will be carried out in cases of emergency, to deal with escapes of inflammable, poisonous or deleterious gases, vapours, liquids or dusts. These instructions shall further be displayed in bold letters in prominent places in the different Sections. All workers shall be trained and instructed in the action to be taken in such emergencies, and in the general hazards of their employment.

Protection of Reaction Mixtures.—10. Suitable arrangements shall be made to ensure that no foreign matter of any sort can fall into reaction mixtures.

Electrical Apparatus.—11. Electrical plant, fittings and conductors shall, if exposed to a damp or corrosive atmosphere, be adequately protected. Periodic tests shall be carried out on all circuits.

12. *Place of work.*—(*a*) Workers shall only be allowed in those places in which they have been given orders to work.

(*b*) In dangerous sections of a factory, the number of workers shall be kept to a minimum compatible with the process.

13. *Packing Storage and Transport of Chemicals.*—Chemicals shall be packed and stored in containers suitable for the purpose and of adequate strength for storage or transport. All such containers shall be suitably labelled so that they will be stored and transported in such a manner as to ensure that, in the event of a

spillage, they will neither produce a reacting mixture, nor cause the development of toxic or fire risks in contact with other products in its vicinity, or with walls floors or dust thereon.

14. *Fire and Explosion Risks.*—(*a*) *Site.*—Buildings and plant shall be sited with due regards to the dangers which may arise from the processes involved, and in particular shall be spaced at distances which are deemed safe for the fire and explosive risks connected with the processes in adjacent buildings, Due consideration shall be given to the effect of any processes carried out in adjacent factories.

(*b*) *Isolation of Buildings.*—Where special dangers exist, separate buildings shall be used for the different parts of a process. They shall be spaced at sufficient distances apart and shielded to prevent damage to each other in the event of fire or explosion, and shall be safeguarded by the provision of suitable blow-out panels or roofs. Where the risk of fire or explosion is considerable, the building shall be divided by blast or protective screen walls.

(*c*) *Fire resistance.*—No combustible materials shall be used in the erection of working buildings, unless there are special reasons necessitating their use, when they shall be rendered fire-resistant. The roof shall be of light fire-resistant construction and floors shall be of impervious fire-resistant material and shall be regularly maintained in such condition.

15. (*a*) *Dangers of Ignition (including lighting installation).*—No internal combrsion engine, and no electric motor or other electric equipment, capable of generating sparks or oherwise causing combustion shall be installed or used in a building or danger zone. Electric conductor shall be fitted with screwed steel conduct.

18. (*a*) *Escape of Materials.*—Provision shall be made in all plant, sewers, drains, flues, dusts, culverts and buried pipes to prevent the escape and spread of any liquid, gas, vapour, fume or dust likely to give rise to fire or explosion, both during normal working and in the event of accident of emergency.

(*b*) If escape occurs, such substances shall be removed expeditiously and efficiently at the point of liberation. The effluent shall be trapped and rendered safe outside the danger area.

19. (*a*) *Leakage of Inflammable Liquids.*—Provision shall be made to confine by means of bund walls, sumps, etc., possible leakages from vessels containing inflammable liquide.

(*b*) Adequate and suitable fixed fire fighting appliances shall be installed in the vicinity of such vessels.

20. (*a*) *Cleaning of Empty Containers.*—All empty containers which have held inflammable liquids, and metal containers which have held sulphuric acid shall be rendered permanently safe as soon as practicable, and shall not be required or destroyed until such cleaning has been completed.

(*b*) *Storage of combustible Materials.*—Combustible and inflammable materials shall not be stored in close proximity to chemicals which are liable to cause ignition.

(*c*) Rubbish shall be removed from buildings without delay and placed in special metal containers provided with close fitting lids. The contents shall be removed daily and suitably dealt with. Waste products containing inflammable or explosive materials shall be placed on rubbish heaps but shall be destroyed in an appropriate manner.

21. *Installing of Pipe lines for Inflammable Liquids.*—All pipe lines for the transport of inflammable liquids shall be protected from breakage, shall be arranged so that there is no risk of mechanical damage from vehicles and shall be so laid that they drain throughout without the collection of deposits at any part. All flanged joints, bends and other connections shall be regularly inspected. Cocks and valves shall be so constructed that explosive residues cannot collect therein. The open and closed positions of all cocks and valves shall be clearly indicated on the outside.

22. *Packing of Reaction Vessels.*—Packing and jointing materials for reaction vessels (including covers, manhole covers, and exhaust pipes) and in pipe lines and high or low temperature insulating materials shall not contain materials which are combustible or which react with the products of the plant.

23. *Safety Valves.*—Every still and every closed vessel in which gas is evolved or into which gas is passed, and in which the pressure is liable to rise to a dangerous degree, shall have attached to it a pressure gauge, and a proper safety valve or other equally efficient means to relieve the pressure, maintained in good condition. Nothing in these Rules shall apply to metal bottles or cylinders used for the transport of compressed gases.

24. *Vigorous or Delayed Reactions.*—Suitable provision such as automatic and distant control shall be made for controlling the effects of unduly vigorous or delayed reactions. Automatic flooding or blanketing shall be provided for in the event of an accident.

(*b*) All hot exhaust pipes shall be installed outside a building and other hot pipes shall be suitably protected.

(*c*) Portable electric hand lamps shall not be used unless of an intrinsically safe type, and portable electric tools connected by flexible wires shall not be used, unless of the flame-proof type.

(*d*) Where an inflammable atmosphere may occur the soles of footwear worn by workers shall have no metal on them, and the wheels of trucks or conveyors shall be of conducting non-sparking materials. Adequate precautions shall be taken to prevent the ignition of explosive or inflammable substances by sparks omitted from locomotives or other vehicles operated in the factory or on public lines.

(*e*) No electric are lamp, or naked light, fixed or portable, shall be used, and no person shall have in his possession any match or any apparatus of any kind for producing a naked light or spark in or on, or about any part of the factory where there is liability to fire or explosion from inflammable gas, vapour or dust and all incandescent electric lights in such parts shall be in double air tight glass covers.

(*f*) Prominent notices in the language understood by the majority of the workers and legible by day and by night, prohibiting smoking, the use of naked lights, and the carrying of matches or any apparatus for producing a naked light or spark, shall be affixed at the entrance of every room or place where there is the risk of fire or explosion from inflammable gas, vapour or dust. In the case of illiterate workers, the contents of the notices shall be fully and carefully explained to them when they commence work in the factory for the first time and again when they have completed one week at the factory.

(*g*) *Non-sparking tools.*—A sufficient supply of spades, scrapers and pails made from non-sparking material shall be provided for the use of persons employed in cleaning out or removing residues from any chamber, still, tank, or other vessel where an inflammable or explosive danger may occur.

(*Note.*—The risk is not always obvious and may arise, for example, through the production of hydrogen in acid tanks).

16. *Static Electricity.*—(*a*) All machinery and plant, particularly pipe lines and belt drives, on which static electricity is likely to accumulate, shall be effectively earthed. Receptacles for inflammable liquids shall have metallic connections to the earthed supply tanks to prevent static sparking. Where necessary, humidity shall be controlled.

(*b*) Mobile tank wagons shall be earthed during filling and discharge and preecutions shall be taken to ensure that earthing is effective before such filling or discharge takes place.

(*c*) *Lightning condition.*—Lightning protection apparatus be fitted where necessary, and shall be maintained in good condition.

17. *Process Heating.*—The method providing heat for a process shall be as safe as possible and where the use of naked flame is necessary, the plant shall be so constructed as to prevent any escaping inflammable gas, vapour, or dust coming into contact with the flame, or exhaust gases, or other hot agency likely to cause ignition. So far as practicable, the heating medium shall be automatically controlled at a pre-determined temperature below the danger temperature.

(*c*) Protective equipment shall be provided and stored in the appropriate place for use during abnormal conditions or in an emergency.

(*d*) Arrangements shall be made for the proper and efficient cleaning of all such protective equipment.

34. *Cloak Room.*—There shall be provided and maintained for the use of all persons employed in the processes specified in Schedule II to these Rules a suitable cloak room for put off during working hours and a suitable place separate from the cloak room, for the storage of overalls or working clothes. The accommodation so provided shall be placed in the charge of a responsible persons, and shall be kept clean.

35. *Special Bathing Accommodation.*—(*a*) There shall be provided for the use of all persons employed in the processes specified in Schedule III to these Rules separate sanitary conveniences and sufficient and suitable bathing facilities, which shall be to the satisfaction of the Chief Inspector.

(*b*) A bath register shall be kept containing the names of all persons employed in these processes and an entry of the date when each person takes a bath.

36. *Entry into Vessels.*—(*a*) Before any person enters, for any purpose except that of rescue, any absorber, boiler, culvert, drain, flue, gas purifier, sewer, still, tank, tower, vitriol chamber or other place where there is reason to apprehend the presence of dangerous gas or fume, a responsible person appointed in writing by the occupier for the purpose, shall personally examine such place and shall certify in writing in a book kept for the purpose either that such place is isolated and sealed from every source of such gas or fume and is free from danger or that it is not so isolated and sealed and free from danger. Ne person shall enter any such place which is certified not to be so isolated and sealed and frec from danger. No person shall enter any such place which is certified not to be so isolated and sealed and free from danger unless he is wearing a

breathing apparatus and (where there are no cross style or obstructions likely to cause entanglement) a life-belt, the free end of the rope attached to which shall be left with a man outside whose sole duty shall be to keep watch and to draw out the wearer if he appears to be affected by gas or fume. The belt and rope shall be so adjusted and worn that the wearer can be drawn up head foremost through any manhole or opening.

(*b*) A person entering for the purpose of rescue any such place for which a clearance certificate has not been issued shall wear a breathing apparatus and a life-belt in the manner specified.

37. *Examination and repair of plant.*—Where poisonous materials are likely to be present the examination and repair of plant and piping shall only be done under the supervision of a competent person, and after the plant and piping has been thoroughly cleaned and ventilated. When opening vessels and breaking joints in pipe lines, respirators, goggles and protective clothing shall be worn to the extent required by the competent person.

38. *Storage of acid Carboys.*—Carboys containing nitric acid or 'mixed' acid shall be stored in opensided sheds detached from other buildings, and placed on a flooring of standstone, brick, or other suitable inorganic material. A passagewat shall be provided and kept free from obstruction between every four rows of such carboys. An ample supply of water shall be available for washing away split acid and all precautions shall be taken to prevent workers being exposed to fumes.

CORROSIVE OR DELETERIOUS SUBSTANCES RISKS

39. *Buildings.*—All buildings and plant shall be fitted with due regard to possible dangers from accidental liberation or splashing of corrosive and deleterious liquids, and shall be so designed as to facilitate thorough washing and cleaning. The construction of staging and other parts of buildings shall be carried out with materials impervious and resistant to corrosion so far as practicable.

40. *Leakage.*—(a) All plant shall be so designed and constructed as to obviate the escape of corrosive liquide. Where necessary, separate buildings, rooms, or protective, structures shall be used for the dangerous stages of the process and the buildings shall be so designed as to localise any escape of liquid.

(b) Catch pits, bund walls, or other suitable precautions shall be provided to restrict the serious effects of such leakages. Catch pits shall be placed below joints in pipe-lines where there is danger involved to maintenance and other workers from such leakage.

(*c*) Passages and work-stations shall not be situated directly below any part of plant where there is risk of escape of dangerous liquid. Access to such parts shall, so far as practicable, be prohibited and danger notices shall be affixed at suitable points.

41. *Precautions against escape.*—Adequate precautions shall be taken to prevent the escape of corrosive or deleterious substances and means shall be provided for rendering safe any such escape.

42. *Drainage.*—Adequate drainage shall be provided and shall lead to special treatment tanks where deleterious material shall be neutralised or otherwise rendered safe before it is discharged into ordinary drains or sewers.

43. *Covering of Vessels.*—(*a*) Every fixed vessel or structure containing any dangerous material, and not so covered as to eliminate all reasonable risk of accidental immersion in it of any portion of the body of a worker, shall be so constructed that there is no foothold on the top or the sides.

(*b*) Such vessel shall, unless its edge is at least one meter above the adjoining ground or platform, be securely fenced to a height of at least one meter above such adjoining ground or platform.

(*c*) No plank or gangway shall be placed across or inside any such vessel, unless such plank or gangway is at least 0.5 meter wide, and is securely fenced on both sides by rails spaced at 23 c. meters apart to a height of at least one meter or by other equally efficient means.

(*d*) No person shall be newly employed for more than 14 days without a certificate of fitness granted after examination by the Certifying Surgeon, by a signed entry in the Health Register.

(*e*) Every person employed in the process shall be examined by the Certifying Surgeon once in each calendar month (or at such other intervals, as may be prescribed in writing by the Chief Inspector) on a date or dates of which due notice shall be given to all concerned.

(*f*) Every person so employed shall present himself at the appointed time for examination by the Certifying Surgeon as provided in (*d*) and (*e*) of this Rule.

(*g*) The Certifying Surgeon shall have power of suspension as regards all persons employed and no person after suspension shall be employed without written sanction from the Surgeon entered in the Health Register.

53. *Duties of Workers.*—Every person employed shall—

(*a*) report to his foreman any defect in any fencing, breathing apparatus, appliance or other requisite provided in pursuance of these rules, as soon as he becomes aware of such defect ;

(*b*) use the articles, appliances or accommodation required by these rules for the purpose for which they are provided ;

(*c*) wear the breathing apparatus and life-belt where required under Rule 36 (*a*) and (*b*).

54. No person shall—

(*a*) remove any fencing provided in pursuance of Rule 43 unless duly authorised ; or

(*b*) stand on the edge or on the side of any vessel to which rule 43 applies ;

(*c*) pass are attempt to pass any barrier erected in pursuance of rule 43 ;

(*d*) place across or inside any vessel to which rule 43 applies any plank or gangway which does not comply with that Regulation or make use of any such plank or gangway while in such position ;

(*e*) take a naked light or any lamp or matches or any apparatus for producing a naked light or spark into, or smoke in, any part of the works where there is liability to explosion from inflammable gas, vapour or dust ;

(*f*) use a metal spade, scraper or pail when cleaning out of removing the residues from any chamber, still, tank, or other vessel which has contained sulphuric acid or hydrochloric acid or other substance which may cause evolution of arseni-uretted hydrogen.

(*g*) remove from a First Aid Box or cupboard or from the Ambulance room any First Aid appliance or dressing except for the treatment of injuries in the works.

SCHEDULE

Chemical Works.—means any works or that part of a work in which :

1. The manufacture or recovery of any of the following is carried on :—

(*a*) Carbonates, Chromates, Chlorates, Oxides or Hydroxides of Potassium, Sodium, Iron, Aluminium, Cobalt, Nickel, Arsenic, Antimony, Zinc or Magnesium.

(*b*) Ammonia and the hydroxide and salts of ammonium.

(*c*) Sulphurous, sulphuric, nitric, hydrochloric, hydrofluoric, hydriodic, hydrosulphuric, boric, phosphoric, oxalic, arsenious, arsenic, lactic, acetic, tartaric or citric acids and their metallic or organic salts, and

(*d*) Cyanogen compounds.

2. A wet process is carried on—

(*a*) for the extraction of metal from ore or from any by product or residual material ; or

(*b*) in which electrical energy is used in any process of chemical manufacture.

3. Alkali waste or the drainage therefrom is subject to any Chemical process for the recovery of sulphur, or for the utilisation of any constituent of such waste or drainage.

4. Carbon bisulphide is made or hydrogen sulphide is evolved by the decomposition or metallic sulphides or hydrogen sulphide is used in the production of such sulphides.

5. Bleaching powder is manufactured or chlorine gas is made or is used in any process of chemical manufacture.

6. (*a*) Gas tar or coal tar or any compound product or residue of such tars is distilled or is used in any process of chemical manufacture.

(*b*) Synthetic colouring matters or their intermediates are made.

7. Refining of crude shale oil or any process incidental thereto is carried out.

8. Nitric acid is used in the manufacture of nitro compounds.

9. Explosives are made with the use of nitro compounds.

10. Insecticides which may be phosphorous, nicotine, mercury, naphthalene, cyanogen, arsenic, flourine, copper, benzene and ethane compounds or derivatives and methyl bromides are manufactured, mixed, blended and packed.

SCHEDULE II

1. A nitro or amino process (overalls or suits of working clothes and protective footwear).

2. Grinding raw materials in a chrome process (overall suits).

3. The crystal department and in packing in a chrome process (protective coverings).

4. Packing in a chrome process (respirators).

5. Any room or place in which chlorate is crystallised, ground or packed (clothing of woollen material and boots or overshoes, the soles of which have no metal on them).

6. Any room in which caustic is ground or crushed by machinery (goggles and gloves or other suitable protection for the eyes and hands).

7. Bleaching powder chambers, or in packing charges drawn from such chambers (suitable respirators).

8. Drawing off of molten sulphur from sulphur pots in the process of carbon disulphide manufacture (overalls faceshields, gloves and footwear of fire-proof material).

9. (*a*) Manufacture, mixing, blending and packing of insecticides which are phosphorus, nicotine, naphthalene, cyanogen, arsenic, flourine, mercury and copper compounds or derivatives and methyl bromide (rubber aprons—chemical type goggles and suitable respirators, and in addition rubber gloves and boots for phosphorus and nicotine derivatives; synthetic rubber aprons, gloves and boots when working with oil solutions; and washable working clothes laundered daily).

(b) Manufacture, mixing, bleeding and packing of insecticides which are derivatives of benzone or ethane (rubber aprons, and suitable respirators; separate work clothes, laundered frequently).

SCHEDULE III.

1. A nitro or amino process.

2. The crystal department and the packing room in a chrome process.

3. The process of distilling gas or coal tar (other than blast furnace tar) and any process of chemical manufacture in which such tar is used.

4. The manufacture, mixing, blending and packing of the insecticides mentioned in Schedule I.

SCHEDULE IV.

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top.
(iii) Means for sterilising instruments.
(iv) A couch.
(v) A stretcher.
(vi) Two buckets or containers with close fitting lids.
(vii) Two rubber hot water bags.
(viii) A kettle and spirit stove or other suitable means of boiling water.
(ix) Twelve plain wooden splints.
1 M. × 10 c.m. × 6.4 m.m.
(x) Twelve plain wooden splints,
35 c.m. × 7.6 c.m. × 6.4 m.m.
(xi) Six plain wooden splints,
25 c.m. × 5 c.m. × 13 m.m.
(xii) Three woollen blankets.
(xiv) One bottle of brandy.
(xv) Two medium size sponges.
(xvi) Three hand towels.
(xvii) Two kidney trays.
(xviii) Four carbolic soaps.
(xix) Two glass tumbler and two wine glasses.
(xx) Two clinical thermometers.
(xxi) Graduated measuring glass with teaspoon.

(xxii) One eye bath.
(xxiii) One bottle (0.91 kg.) carbolic lotion 1 in 20.
(xxiv) Two chairs.
(xxv) One screen.
(xxvi) One electric hand torch.
(xxvii) An adequate supply of anti-tetanus serum.
(xxviii) Two first aid boxes, each containing (*a*) 24 small sterilized dressings, (*b*) 12 medium size sterilized dressings (*c*) 12 large size sterilizing dressings, (*d*) 12 large size sterilized burn dressings, (*e*) 12 (15 gms.) packets sterilized cotton wool, (*f*) one snake bite lancet, (*g*) one pair scissors, (*h*) two (28 c.c.) bottles of potassium permanganate crystals, (i) one (114 c.c.) bottle containing a two per cent alcoholic solution of iodine, (*j*) one (114 c.c.) bottle of salvolatile having the dose and mode of administration indicated on the label, (*k*) one copy of the first aid leaeflt issued by the Chief Adviser, Factories, Government of India.

PART II

APPLYING TO WORKS OR PARTS THEREOF IN WHICH—

I. Caustic pots are used ; or
II. Chlorate or bleaching powder is manufactured ; or
III. (*a*) Gas tar or coal tar is distilled or is used in any process of chemical manufacture ; or
(*b*) A nitro or amino process is carried on ; or
(*c*) A chrome process is carried on ; or
VI. Crude shale oil is refined or processes incidental thereto are carried on ; or
V. Nitric acid is used in the manufacture of nitro compounds.
VI. The evaporation of brine in open pans and the stoving of salt are carried on ; or
VII. The manufacture or recovery of hydro-fluoric acid or any of its salts is carried on ; and
VIII. Work at furnace where the treatment of sinc ores is carried on.
IX. Insecticides mentioned in Schedule I are manufactured, mixed, blended or packed.

(*b*) (v) the insecticides mentioned in Schedule I are manufactured, mixed, blended or packed.

EXPLANATORY NOTE.

The Insecticides which belong to the highly toxic group are the following :

Hexaethyl tetra phosphate ;
Tetra ethyl pyrophosphate ;
O, O Diethyl O-P-nitrophenyl
thiophosphate (Parathion) ; and
Nicotine, nicotine sulphate.
mercury derivatives ; Methyl bromide ;
Cyanides.

The active chemical in these insecticides can be quickly and easily absorbed through the unbroken skin ; poisoning can occur from breathing the vapour of the active chemical or dusts impregnated with these chemicals ; minute amounts if accidentally swallowed are quite likely to be fatal.

The plant requirements for ensuring safety to the workers are ;

(1) Instruct all personnel with regard to properties and characteristics.

(Draft Chemical Works Rule---30 ensures this).

(2) Enclosure and ventilation on all mixing, blending and packaging operation. (Draft Chemical Works—Rule 27 meets this requirements).

(3) Full protective clothing, including natural rubber gloves, boots and aprons (synthetic rubber when working with oil solutions)---Include a provision to this effect in Schedule II.

(4) Washable working clothes—laundered daily (To be added to Schedule II).

(5) Separate locker for street clothing (Draft Chemical Works Rule 34 ensures this).

(6) Respiratory protection and chemical type goggles (To be provided in Schedule II).

(7) No food or smoking on the job.
(Draft Chemical Works Rule—3 covers this).

(8) Excellent personal hygiene.
(Draft Chemical Works Rule—3 covers this).

(9) Proper labelling and antidote and suggestions to Doctor for treatment.

(This can be covered by issue of a cautionary notice).

The following insecticides belong to the "moderately toxic" group :—

Hexachlor—hexahydro—dimethano—
naphthalene (Aldrin).

Hexachlor—epoxy—octahydro—dimetheno—
naphthaolene dieldrin).

Arsenate of lead and calcium ;

Copper arsenate (paris green), and

Sodium fluo alupimate (cryolite).

They require all the general precautions as for the highly toxic group, excepting that rubber boots and gloves may be dipensed with excepting when working with oil solutions.

The following belong to the slightly, toxic group ;

Benzens hexachloride (gammexane or B.H.C.).

Dichloro—Diphenyl Dichloro ethane (D.D.D.).

Dichloro diphenyl—trichloro ethane (D.D.T.).

Tetrachloro—diphenyl ethane (T.D.E.), etc.

General precautions are :—

(1) In the various operations, where there is dustiness ; use filter type respirators ;

(2) Use separate work clothes, frequently laundered ;

(3) Do not consume food, etc., in the workrooms

(4) Have daily showers after work.

Entry of gas tar or coal tar still.—(1) Before any person enters a gas tar or coal tar still for any purpose except that of rescue, it shall be completely isolated from adjoining tar stills, either by disconnecting—

(*a*) the pipe leading from the swan neck to the condensor worm, or

(*b*) the waste gas pipe fixed to the worm and or receiver ; and in addition, blank flanges shall be inserted between the disconnected parts, and the pitch discharge pipe or cock at the bottom of the still shall be disconnected.

2. *Entry into bleaching powder chambers.*—No person shall enter a chamber for the purpose of withdrawing the charge of bleaching powder unless and until :—

(i) The chamber is efficiently ventilated, and

(ii) The air in the chamber has been tested and found to contain not more than 0.16 grams of free chlorine gas per 0.028 c. meter.

A register containing details of all such tests shall be kept in a form approved by the Chief Inspector of Factories.

3. *Special Precautions for nitro and amido processes.*—In a nitro or amido process—

(*a*) If cristallised substances are broken or any liquor agitated by hand, means shall be taken to prevent, as far as practicable, the escape of dust or fume into the air of any place in which any person is employed. The handles of all implements used in the operations shall be cleansed daily.

(*b*) Cartridges shall not be filled by hand except by means of a suitable scoop.

(*c*) Every drying stove shall be efficiently ventilated to the outside air in such a manner that hot air from the stove shall not be drawn into any workroom.

(*d*) No person shall enter a stove to remove the contents until a free current of air has been passed through it.

(*e*) Every vessel containing nitro or amido derivatives of phenol or of benzene or its homologues shall, if steam is passed into or around it, or if the temperature of the contents be at or above the temperature of bailing water, be covered in such a way that steam or vapour shall be discharged into the open air at a height of not less than 25 feet from the ground or the working platform, and at a point where it cannot be blown back again into the workroom.

4. *Precautions during caustic grinding, etc.*—

(*a*) Every machine used for grinding or crushing caustic shall be enclosed, and

(*b*) Where any of the following processes are carried on :

(i) Grinding or crushing of caustic ;

(ii) Packing of ground caustic ;

(iii) Grinding, sieving, evaporating or packing in a Chrome process ;

(iv) Crushing, grinding or mixing of material or cartridge filling in a nitro or amido process ;

an efficient exhaust draught shall be provided.

5. *Chlorate manufacture.*—(*a*) Chlorate shall not be cristallised ground or packed except in a room or place not used for any other purpose, the floor of which room or place shall be of cement or other smooth, impervious and incombustible material, and shall be thoroughly cleansed daily.

(*b*) Wooden vessels shall not be used for the cristallisation of chlorate, or to contain crystallised or ground chlorate ; provided that this Regulation shall not prohibit the packing of chlorate for sale into wooden casks or other wooden vessels.

6. *Restrictions on the employment of young persons and women.*—(*a*) Persons under 18 years of age and women shall not be employed in any process in which hydro-fluoric acid fumes or ammoniacal vapours are given off or in any of the following operations ;

(i) evaporation of brine in open pans ;

(ii) stoving of salt ;

(iii) work at a furnace where the treatment of zinc ores is carried on ; and

(iv) the cleaning of workrooms where the process mentioned in (iii) is carried on.

(*b*) No person under 18 years of age shall be employed in a chrome process or in a nitro or amido process or in a process in which the following materials are used or where the vapour of such materials is given off ;

Carbon bisulphide, chlorides of sulphur, benzene, Carbon tetrachloride, trichlorethlene, any carbon chlorine compound, or any mixture containing any of such materials.

7. *Every person employed* :

Duties of employees :—

(*a*) In a process to which rule 33 applies shall wear the protective clothing, footwear, respirators, goggles or gloves provided under rule 33 and shall deposit overalls or suits or working clothing so provided, as well as clothing put off during working hours, in the places provided under rule 34.

(*b*) in processes to which rule 35 applies shall carefully wash the hands and face before partaking of any food or leaving the premises ;

(*c*) in any processes to which part II of these Rules applies shall use the protective appliances supplied in respect of any process in which he is engaged.

SCHEDULE XVII

(Processing of Cashewnut)

1. *Short title and application.*—These rules may be cited as Cashewnut processing Rules, 1954, and they shall apply to all factories in which roasting, scrubbing and shelling of cashewnuts or extracting oil from cashewnuts or cashewnut shells is carried on.

2. *Prohibition of employment of women and young persons.*—No woman or young person shall be employed in any of the processes specified in Rule 1 except in shelling of roasted cashewnuts.

3. *Protective clothing and equipment.*—The occupier shall provide and maintain for the use of all persons employed in roasting and scrubbing of cashewnuts or extracting oil from cashewnuts or cashewnut shells :—

(*a*) suitable rubber or washable leather gloves ;

(*b*) suitable type of impervious aprons with sleeves to cover body down to knees and shoulders :

(*c*) suitable type of footwear to afford protection to feet and legs against cashewnut oil ;

(*d*) and for the workers employed in cashewnut shelling either ;

(*e*) a protective ointment containing 10 per cent of shellac, 55 per cent of alcohol, 10 per cent of sodium perborate, 5 per cent of carbitol and 20 per cent talc or

(*f*) sufficient quantity of kaolin and coconut oil :

(*g*) any other material or equipment which the Chief Inspector of Factories may deem to be necessary for the protection of the workers.

4. *Use of protective clothing and equipment.*—Every person employed in processes specified in Rule 1 shall make use of protective clothing and requirements supplied and arrangements shall be made by the Occupier to supervise its use, maintenance and cleanliness.

5. *Disposal of shells, ashs, or oil of cashement.*—(i) Shells, ashs or oil of cashewnut shall not be stored in any room in which workers are employed and shall be removed at least twice a day to

any pit or enclosed place in the case of shells and ashs and to closed containers kept in a separate room in the case of oil.

(ii) No worker shall be allowed to handle shells or oil of cashewnuts without using the protective measures provided under Rule 3 above.

6. *Floors of workrooms.*—The floor of every workroom in which processes specified in Rule 1 are carried on, shall be of a hard material so as to be smooth and impervious and of even surface and shall be cleaned daily ; and spillage of any cashewnut oil in any workroom shall be washed with soap and cleaned immediately.

7. *Seating accommodation.*—Workers engaged in shelling of cashewnuts shall be provided with adequate seats or work benches which shall be cleaned daily.

8. *Mess rooms.*—

(*a*) There shall be provided and maintained for the use of all persons employed in processes as specified in Rule 1, a suitable rest room furnished with sufficient tables and chairs or benches ;

(*b*) Separate lockers shall be provided where food, etc., shall be stored by workers before it is consumed in the rest room.

9. *Food, drinks, etc., prohibited in workrooms.*—No food, drink, pan, supari or tobacco shall be brought or consumed by any worker in any room in which processes specified in Rule 1, are carried out and no person shall remain in any such room during intervals for meals or rest.

10. *Washing facilities.*—Where roasting, scrubbing and shelling of cashewnuts or extracting oil from cashewnuts or cashewnuts shells is carried on, there shall be provided and maintained in a clean and good repair washing facilities with a sufficient supply of soap, coconut oil, nail brushes and towels at the scale of one top or stand pipe for every 10 workers and the taps are stand pipes shall be spaced not less than 1.2 meters apart.

11. *Time allowed for washing.*—Before each meal and before the end of the day's work, at least ten minutes, in addition tc the regular meal times, shall be allowed for washing, to each person employed in processes specified in Rule 1.

12. *Smoke or gas produced by roasting cashewnuts.*—Where smoke or gas is produced in the operation of roasting, provision shall be made for removing the smoke or gas through a chimney of

sufficient height and capacity or by such other arrangements as may be necessary to prevent the gas or smoke escaping into the air or any place in which workers are employed.

13. *Storage of protective equipment.*—A suitable room or a portion of the factory suitably partitioned off shall be provided exclusively for the storage of all the protective equipment supplied to the workers and no such equipment shall be stored in any place other than the room or places so provided.

14. *Medical Examination.*—

1. Every person employed in processes specified in Rule 1, shall be examined by the Certifying Surgeon once in every three months, or at such other intervals as may be specified in writing by the Chief Inspector of Factories on a day of which due notice shall be given to all concerned. The Certifying Surgeon shall examine and certify the workers in the premises of the factory.

2. Every person employed shall present himself at the appointed time for examination by the Certifying Surgeon as provided in Clause (1).

3. A Health Register in Form No. 16, containing the names of all persons employed in the process specified in Rule 1, shall be kept.

4. The Certifying Surgeon shall record the results of the examination against the name of each worker in the Health Register.

5. No person after suspension shall be employed in any process specified in Rule 1, without the written sanction from the Certifying Surgeon entered in the Health Register.

6. The occupier shall appoint a person trained in First Aid who shall inspect daily the hands and feet of the persons employed in processes specified in Rule 1. The Occupier shall keep a record of such inspections in a register in a Form approved by the Chief Inspector of Factories and any cases of blistering shall be brought to the notice of certifying Surgeon who shall direct them for treatment as may deem to be necessary.

7. The first aid box shall also contain Burrow's Solution 1 to 20 and aqueous solution tannic acid 10 per cent for treatment of cases of dermitites.

15. The Chief Inspector of Factories may grant exemptions from the operation of any of these where he is satisfied that their observance is not necessary for safeguarding the health of the workers.

SCHEDULE XVIII

(PRINTING PRESSES AND TYPE FOUNDRIES. CERTAIN LEAD PROCESSES CARRIED THEREIN—PRINTING PRESSES).

1. *Exemption.*—Where the Chief Inspector is satisfied that all or any of the provisions of this schedule are not necessary for the protection of persons employed he may be certificate in writing exempt any factory from all or any of such provisions subject to such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector.

2. *Definitions.*—In these regulations.—

"Lead material" means—material containing not less than five per cent of lead.

"Lead process" means—

(*a*) the melting of lead or any lead material for casting and mechanical composing; and

(*b*) the recharging of machines with used lead-material; or

(*c*) any other work including removal of dross from melting pots, cleaning of plungers; and

(*d*) manipulation, movement or other treatment of lead material.

"Efficient exhaust draught" means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove gas, vapour, fume or dust at the point where they originate.

3. *Exhaust draught.*—None of the following processes shall be carried on except with an efficient exhaust draught.—

(*a*) melting lead material or slugs;

(*b*) heating lead material so that vapour containing lead is given off;

or, unless carried on in such a manner as to prevent free escape of gas, vapour, fumes or dust into any place in which work is carried on, or unless carried on in electrically heated and thermostatically controlled melting pots.

Such exhaust draught shall be effected by mechanical means and so contrived as to operate on the dust, fume, gas or vapour given off as closely as may be at its point of origin.

4. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any lead process.

5. *Separation of certain processes.*—Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another and from any other process ;

(*a*) melting of lead or any lead material ;

(*b*) casting of lead ingots ;

(c) mechanical composing ;

6. *Container for dross.*—A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting pot. Such receptacle shall be kept covered while in the workroom near the machine except when the dross is being deposited therein.

7. *Floor of workroom.*—The floor of every workroom where lead process is carried on shall be :—

(*a*) of cement or similar material so as to be smooth and impervious to water ;

(*b*) maintained in sound condition ; and

(*c*) shall be cleansed throughout daily after being thoroughly damped with water at a time when no other work is being carried on at the place.

8. *Mess Room.*—There shall be provided and maintained for the use of all persons employed in a lead process and remaining on the premises during the meal intervals, a suitable mess-room which shall be furnished with sufficient tables and benches.

9. *Washing facilities.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a lead process.

(*a*) A wash place with either :—

(i) a trough with a smooth impervious surface fitted with a waste pipe without plung, and of sufficient length to allow at least two feet for every five such persons employed at any one time and having a constant

supply of water from taps or jets above the trough at intervals of not more than 2 feet ; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plung and having an adequate supply of water laid on or always readily available ; and

(*b*) a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleaning material.

10. *Medical Examination.*—

(*a*) Every person employed in a lead process shall be examined by the Certifying Surgeon within 14 days of his first employment in such processes and thereafter shall be examined by the Certifying Surgeon at intervals of not more than 3 months, and a record of such examinations shall be entered by the Certifying Surgeon in the special certificate of fitness in Form No. 25.

(*b*) A Health Register containing names of all persons employed in any lead process shall be kept in Form No. 16.

(*c*) No person after suspension shall be employed in a lead process without the written sanction from the certifying Surgeon (entered in the Health Register).

11. *Food, Drinks, etc., prohibited in workrooms.*—No food, drink, pan and supari or tobacco shall be consumed or brought by any worker into any workroom in which any lead process is carried on.

SCHEDULE XIX

Compression of Oxygen and Hydrogen produced by the electrolysis of water.

1. The room in which electrolyser plant is installed shall be separate from the plant for storing and compressing the oxygen and hydrogen and also the electric generator room.

2. The purity of oxygen and hydrogen shall be tested by a competent person at hourly intervals at the following points :—

(i) In the electrolyser room ;
(ii) At the gas holder in-let ;
(iii) At the suction end of the compressor.

The purity figures shall be entered and signed by the person carrying out such tests in the register.

Provided, however, that if the electrolyser plant is fitted with automatic recorder of purity of oxygen and hydrogen with alarm lights, it shall be sufficient if the purity of the gases is tested at hourly intervals at the suction end of the compressor only.

3. The oxygen and hydrogen gases shall not be compressed, if their purity as determined under Clause 2 above falls below 98 per cent at any time.

4. There shall be at least two gas holders for each kind of gas compressed and the gas holders for same gas shall be provided with suitable arrangements to ensure that no gas holder is connected to the compressor and to the eletrolyser at the same time, and only one gas holder is connected to the compressor line at any one time.

5. The bell of any gas holder shall not be permitted to go within 30 c.m. (12 in.) of its lowest position when empty, and a visual and an audible warning signal shall be fitted to the gas holder to indicate that this limit is reached.

6. The water and caustic soda used for making lye shall be chemically pure within pharmaceutical limits.

7. Electrical connections at the electrolyser cells and at the electric generator terminals shall be so constructed as to preclude the possibility of wrong connections leading to the reversal of polarity and in addition an automatic device shall be provided to cut off power in the event of reversal of polarity owing to wrong connections either at the switch board or at the electric generator terminals.

8. Oxygen and hydrogen gas pipes shall be painted with distinguishing colours and in the event of leakage at the joints of the hydrogen gas pipe, the pipe after reconnection shall be purged of all air before drawing in hydrogen gas.

(9) All electrical wiring and apparatus in the electrolyser room shall be of flame-proof construction or enclosed in flame-proof fittings and no naked light or flame shall be allowed to be taken either in the electrolyser room or where compression and filling of the gases is carried on and such warning notices shall be exhibited in prominent places.

(10) No part of the electrolyser plant and the gas holders and compressor shall be subjected to welding, brazing, soldering or cutting until steps have been taken to remove any explosive substance from that part and render the part safe for such operations

and after the completion of such operations no explosive substance shall be allowed to enter that part until the metal has cooled sufficiently to prevent risk of explosion.

(11) No work of operation, repair or maintenance shall be undertaken except under the direct supervision of a person who, by his training, experience and knowledge of the necessary precautions against risk of explosion is competent to supervice such work. No electric generator after erection or repairs shall be switched on to the electrolysers unless the same is certified by the competent persons under whose direct supervision erection or repairs are carried on to be in a safe condition and the terminals have been checked for the polarity as required by rule 7.

(12) Every part of the electrolyser plant and the gas holders and compressor shall have a regular schedule of overhaul and checking and every defect noticed shall be rectified forthwith.

96. *Rule* 96.—*Rule Prescribed under Section* 88—*Notification of accidents*.—(1) Where any accident or occurance specified in the schedule takes places in a factory, the manager of the factory shall forthwith send notice thereof by telephone, special messenger or telegram to the Inspector and Administrative Medical Officer of the Employees' State Insurance Scheme and if the accident is fatal, or of such a serious nature that is likely to prove fatal, notice as aforesaid shall also be sent to :—

(*a*) the District Magistrate or Sub-Divisional Officer and,

(*b*) the Officer-in-charge of the nearest Police Station.

(*c*) the next-of-kin of the injured or deceased persons.

(2) The notice so given shall be confirmed by the Manager of the factory to the abovementioned authorities within 12 hours of the occurance by sending to them a written report in the prescribed Form No. 17.

Provided that such bodily injury as prevents the person injured from working, for a period of 48 hours immediately following the accident shall be reported to the Inspector of the area concerned forthwith.

(3) In case of an accident resulting in the death of person within 7 days of the accident, information of his death whenever known shall be sent by the manager of the factory as prescribed under sub-rule (1).

(4) Copies of such notices shall be maintained for a period of three years.

SCHEDULE

1. *Accident which cause* :—

(*a*) death to any person ;

(*b*) such bodily injury as prevents or will probably prevent the person injured from working for a period of 48 hours immediately following the accident.

2. The following classes of occurrences, whether or not they are attended by personal injury or disablement :—

(*a*) Bursing of a plant used for containing or supplying steam under pressure greater than atmospheric pressure.

(*b*) Collapse or failure of a crane, derrick winch, hoist or other applicances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.

(*c*) Explosion or fire causing damage to any room or place in which persons are employed or fire in rooms of cotton pressing factories when a cotton opener is in use.

(*d*) explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(*e*) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory.

97. *Rule Prescribed under sub-Section* (1) *of Section* 89—*Notice of poisoning or disease.*—A notice in Form No. 18, should be sent forthwith both to the Chief Inspector and to the Certifying Surgeon and the administrative Medical Office Employees State Insurance Scheme by the Manager of a factory in which there occurs a case of lead, phosphorous

and after the completion of such operations no explosive substance shall be allowed to enter that part until the metal has cooled sufficiently to prevent risk of explosion.

(11) No work of operation, repair or maintenance shall be undertaken except under the direct supervision of a person who, by his training, experience and knowledge of the necessary precautions against risk of explosion is competent to supervice such work. No electric generator after erection or repairs shall be switched on to the electrolysers unless the same is certified by the competent persons under whose direct supervision erection or repairs are carried on to be in a safe condition and the terminals have been checked for the polarity as required by rule 7.

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(*a*) the District Magistrate or Sub-Divisional Officer and,

(*b*) the Officer-in-charge of the nearest Police Station.

(*c*) the next-of-kin of the injured or deceased persons.

(2) The notice so given shall be confirmed by the Manager of the factory to the abovementioned authorities within 12 hours of the occurance by sending to them a written report in the prescribed Form No. 17.

Provided that such bodily injury as prevents the person injured from working, for a period of 48 hours immediately following the accident shall be reported to the Inspector of the area concerned forthwith.

(3) In case of an accident resulting in the death of person within 7 days of the accident, information of his death whenever known shall be sent by the manager of the factory as prescribed under sub-rule (1).

(4) Copies of such notices shall be maintained for a period of three years.

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(*a*) death to any person ;

(*b*) such bodily injury as prevents or will probably prevent the person injured from working for a period of 48 hours immediately following the accident.

2. The following classes of occurrences, whether or not they are attended by personal injury or disablement :—

(*a*) Bursing of a plant used for containing or supplying steam under pressure greater than atmospheric pressure.

(*b*) Collapse or failure of a crane, derrick winch, hoist or other applicances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.

(*c*) Explosion or fire causing damage to any room or place in which persons are employed or fire in rooms of cotton pressing factories when a cotton opener is in use.

(*d*) explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(*e*) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory.

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99. *Rule prescribed under sub-Section* (1) *of Section* 108—*Display of notices.*—(1) The abstract of the Act and of the Rules required to be displayed in every factory shall be in Form 19.

(2) All the registers and forms prescribed to be maintained under these Rules shall be maintained in English or in Kannada.

100. *Rule prescribed under Section* 110—*Returns.*—The Manager of every factory shall furnish to the Inspector or other officer appointed by the State Government having jurisdiction over the area in which the factory is situated the following returns.

(1) *Annual Return.*—On or before the 15th January of each year, an annual return, in duplicate, in Form No. 20.

(2) *Annual return of holidays.*—Before the end of each year, a return giving notice of all the days on which it is intended to close the factory during the next ensuring year. If in any year a factory is newly started or restarted after a closure during the previous year such return shall be submitted before the date of such starting or restating for the remaining period of year. This return shall be submitted whether the factory is or is not working during the year preceding the year to which the return relates :—

Provided that the Chief Inspector may dispense with this return in the case of any specified factory or of any class of factories or of factories in any particular area ;

Provided further that the annual return to holidays shall be dispensed with in case of all factories :—

(*a*) which regularly observe sundays as holidays, or
(*b*) which regularly observe a fixed day in the week as a holiday, or
(*c*) which observe holidays according to a list approved by the Chief Inspector :—

Provided, further, that where the Manager of any factory makes any departure from such a holiday or list

of holidays as aforesaid prior intimation shall be given to the Chief Inspector.

(3) *Half Yearly return.*—The Manager of every factory shall furnish to the Inspector on or before the 15th July of each year, a half-yearly return in duplicate in Form No. 21.

(4) *Leave with Wages—Annual Returns.*—The Manager of every factory shall furnish to the Inspector, not later than the 1st February of the year subsequent to that to which it relates a return in Form No. 20.

(5) *Compensatory holidays—Annual Returns.*—The Manager of every factory shall furnish to the Inspector, not later than the 1st February of the year subsequent to that which it relates a return in Form No. 20.

(6) *Canteen—Annual return.*—The Manager of every factory notified by the State Government wherein more than 250 workers are ordinarily employed shall furnish to the Inspector not later, than the 15th January of the year subsequent to that to which it relates a return in Form No. 20.

(7) *Creche—Annual Return.*—The Manager of every factory wherein more than 50 women workers are ordinarily employed and provided creches shall furnish to the Inspector not later than 1st February of the year subsequent to that to which it relates a return in Form No. 20.

(8) *Shelter, Rest-rooms and Lunch Rooms—Annual Return.*—The Manager of every factory wherein more than 150 workers are ordinarily employed shall furnish to the Inspector not later than the 15th January of the year subsequent to that to which it relates a return in Form No. 20.

(9) *Accident annual Return.*—The Manager of every factory shall furnish to the Chief Inspector not later than the 1st February of the year subsequent to that to which it relates a return in Form No. 20.

Provided furher, that in the case of a factory in which work is carried on only during certain period or periods of

the year, the Manager shall if so required by the State Government or if the State Government so directs, through the Chief Inspector of Factories, submit the annual or half-yearly return as the case may be within 15 days after the close of that period or after close of the last of those periods in the year as the case may be.

101. *Rule prescribed under Section* 109—*Service of Notices.*—The despatch by post under registered cover with acknowledgement due of any notice or order shall be deemed sufficient service on the occupier, owner or manager of a factory of such notice or order.

102. *Rule* 102 *to* 105 *prescribed under Section* 112—*Information required by the Inspector.*—The Occupier, owner or manager of a factory shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act has been complied with or whether any order of an Inspector has been duly carried. Any demand by an Inspector for any such information, if made, during the course of an Inspection, shall be complied with forthwith if the information is available in the factory, or, if made in writin shall be complied within seven days of receipt thereof.

103. *Muster Roll.*—(1) The Manager of every factory shall maintain a muster-roll of all the workers employed in the factory in Form No. 22 showing :

(*a*) the name of each worker,

(*b*) the nature of his work, and

(*c*) the daily attendance of the worker.

Provided that, if the daily attendance is noted in the Register of Adult workers in Form No. 23 or the particulars required under this Rule are noted in any other register a separate muster-roll required under this Rule need not be maintained.

(2) The Muster-roll shall be written up afresh each month and shall be preserved for a period of 3 years from the date of last entry in it.

Privided that if the daily attendance is noted in respect of Adult and Child Workers in the Register of workers in Forms No. 11 and 13 respectively, or the particulars required under Sub-Rule (1) are noted in any other register, and such registers are preserved for a period of 3 years from the date of last entry in them, a separate muster roll required under sub-rule (1) need not be maintained.

104. *Register of accidents and dangerous occurences.*— (1) The Manager of every factory shall maintain a register of all accidents and dangerous occurences which occur in the factory in Form No. 24 showing the :—

(*a*) Name of injured person (if any).

(*b*) Date of accident or dangerous occurence.

(*c*) Date or report in Form No. 17 to Inspector.

(*d*) Nature of accident or dangerous occurance.

(*e*) Date of return of injured person to work.

(*f*) Number of days of absence from work of injured person.

(2) The Manager of every factory shall furnish to the Inspector annually on or before the 15th February a copy of the entries in Form No. 17-A relating to the year immediately preceding the 1st January.

105. *Maintenance of Inspection Book.*—The Manager of every factory shall maintain a bound Inspection Book of the Size 34 cm. × 22 cm. containing the following particulars and shall produce it when so required by the Inspector or certifying Surgeon :—

(*a*) the exemptions granted or available of by the factory in Form No. 29.

(*b*) the particulars of rooms in the factory in Form No. 30.

(*c*) the particulars of lime washing, colour-washing, painting, varnishing or tarring as the case may be, in Form No. 6.

(*d*) (i) The Inspection Book shall contain at least 180 pages, every third page, thereof shall be consecutively numbered and the other two un-numbered pages between each two consecutively numbered pages shall have a vertical perforated straight line on the margin side at a margin of 2.5 cm.

(2) In Case the Inspection Book containing remarks passed by the Inspector or Certifying Surgeon is lost the manager of the factory shall forthwith report in writing the loss of the Inspection Book to the Inspector in charge of the area and immediately maintain a new inspection Book.

(3) The Manager shall obtain as early as possible copies of all available remarks from the factory Inspection Officer concerned at his cost on payment of necessary typing charges.

106. The Particulars of measurements of each room in the factory in which workers are employed shall be entered in Form No. 30.

107. (1) The maximum number of workers who may be employed in each work-room or work-hall shall be posted prominently by means of a notice painted on the internal wall in each such room or hall. When determining the maximum number of persons permissible in addition to the breathing space required to be provided by section 16(2), floor space of 2.3 sq. M. in the case of existing factories and 3.3 sq. M. in factories built afte rthe commencement of the Act, shall also be provided for each worker working at any one time in the room but such floor space shall be exclusive of the space occupied by machinery, fixtures and materials in the room.

(2) The Chief Inspector, may for reasons to be recorded in writing, relax the provisions of this rule to such extent as he may consider necessary where in this opinion, such relaxation can be made having regard to the health of the persons employed in any room.

108. *Intimation of intended closure of factory*.—The occupier or manager of every factory shall report to the Inspector, any intended closure of the Factory or any section or department thereof immediately it is decided to do so, intimating :—

(i) the reason for the closure ;

(ii) the number of wrokers on the register on the date of the report ;

(iii) the number of workers likely to be affected by the closure ; and

(iv) the probable period of the closure ;

An intimation shall also be sent to the Inspector before the factory or the section of department thereof, as the case may be, starts working again.

109. *Railways in factories*.—The following rules will apply to railways in the precincts of a factory which are not subject to the Indian Railways Act, 1890.

110. *Gateways*.—(1) A gateway through which a railway track passes shall not be used for the general passage of workers into or out of the factory.

(2) *Buildings and structures*.—No building, wall chimney, bridge, road, gallery, stairway, ramp, floor, platform, staging or structure whether of a permanent or temporary character, shall be constructed situated or maintained in any factory,, in such manner as to cause risk of bodily injury.

2(*a*) *Railways*.—No railway or other electrical or mechanical means of transport within the precincts of factory, shall be constructed, situated, operated or maintained in such a manner as to cause risk of bodily injury.

Provided that the Inspector shall not accept any such Railway or means of transport if it is so designed, maintained or operated as to contravene the provisions of any other Act.

(*b*) *Machinery and Plant.*—No machinery, plant or equipment shall be constructed, situated, operated or maintained in any factory in such a manner as to cause risk of bodily injury.

(*c*) *Methods of work.*—No process of work shall be carried on in any factory in such a manner as to cause risk of bodily injury.

(*d*) *Stocking and storing of materials, etc.*—*No* material or equipment shall be stocked or stored in such a manner as to cause risk of bodily injury.

(*e*) *Tight fitting cloth.*—A dhoti wrapped round the body in any manner shall not be deemed to be tight fitting clothing within the meaning of sub-section (1) of Section 22.

111. (1) *Barriers and turngates.*—Where buildings or walls contain doors or gates which open on to railway track a barrier about 1.06 meters high shall be fixed parallel to and about 0.6 meters away from the building or wall outside the opening and extending several meters beyond it at either end, so that a person passing out may become aware of an approaching train when his space is checked at the barrier. If the traffic on the nearest track is all in one direction the barrier shall be in the form of an L with the end of the short leg abutting on to the wall and the other end opening towards an approaching train.

(2) If the distance between wall and track cannot be made to accommodated such a barrier, the barrier or turngate shall be placed at the inside of the opening.

(3) Where a foot-way passes close to a building or other obstruction as it approaches a railway track, a barrier shall be fixed at the corner of the building projecting several Meters from it in a direction parallel to the track, so that a person approaching the track in compelled to move away from the building and thus obtain timely sight of a train

approaching behind it. When the footway is too narrow to permit of this a turngate shall be installed.

112. *Crowds.*—(1) Workers pay windows, first-aid stations and other points where a crowd may collect shall not be placed near a railway track.

(2) At those times of the day when the employees are starting or ending work, all railway traffic shall cease for not less than five minutes;

Provided that Chief Inspector may by an order in writing exempt a specified factory from the provision of sub-rule (2) if he is satisfied that in the special circumstances of such factory the enforcement of the rule is not necessary to safeguard the employees.

113. *Locomotives.*—(1) Every locomotive (and tender) shall be provided with efficient brakes, all of which shall be maintained in good working order. Brake shoes shall be examined at suitably fixed intervals and those are worn replaced at once.

(2) Water-guage glasses of every locomotive, whatever its boiler pressure may be, shall be protected with substantial glass or metal screens.

(3) Every locomotive shall be fitted with a "cow catcher" or if this is impracticable, with "guard-irons", at each end.

(4) It shall be clearly indicated on every locomotive crane in English and in the vernacular for what weight of load at what radius the crane is saft.

114. *Wagons.*—Every wagon (and passanger coach if any) shall be provided either with continuous self-acting brakes or with efficient hand-brakes in good working order and capable of being applied by a person on the ground and fitted with a device for retaining them in the applied position.

115. *Riding on vehicles.*—(1) No person shall be permitted to be upon (whether inside or outside) any locomotive or vehicle whether standing or in motion, except in the performance of his regular duties.

(2) No person, whether on duty or not, shall be permitted to ride on the outside of any locomotive or vehicle except where secure foothold and hold are provided.

116. *Attention to brakes and doors.*—(1) No vehicle shall be left un-attended unless its breaks are firmly applied and, where the railway is on a gradient, without sufficient number of properly constructed scotches placed firmly in position.

(2) No train shall be set in motion until the shunting jamadar has satisfied himself that all wagon doors are securely fastended.

117. *Projecting loads and cranes.*—(1) If the load or a wagon projects beyond its length, a guard or dumy-truck shall be used beneath the projection.

(2) No loco-crane shall travel light unless the jib is completely lowered into the running position in line with the track.

(3) When it is necessary for a loco-crane to travel with a load the jib shall not be swung until the crane has come to rest.

118. *Loose-shunting.*—(1) Loose-shunting shall be permitted only when it cannot be avoided. It shall never be performed on a vehicle not accompanied by a man capable of applying and pining down the brakes. A vehicle not providtd with brakes in good working order and capablc of being pinned down shall not be loose shunting unless attached to at least one other vehicle with such brake. Loose shunting shall not be performed with or against a vehicle containing passengers, live-stock or explosives.

(2) For the purpose of this rule "loose-shunting" means the placing of a vehicle by giving it such an impetus from the locomotive that it can run along to the desired position.

119. *Fly-shunting.*—(1) Fly-shunting shall not be permitted on any factory railway.

(2) For the purpose of this rule "fly-shunting" means giving an impetus to vehicles as in loose-shunting but with the vehicles unattached (with or without some distance between them), and placing one vehicle (or set of vehicles) on the track and then smartly reversing the points so that the following vehicles or the locomotive takes the other track.

120. *The Shunting Jamadar.*—(1) Every train in motion in a factory shall be in charge of a properly trained shunting jamadar.

(2) Before authorising the driver to proceed the shunting jamadar shall satisfy himself that no person is under or between the vehicles or on the track in front of the train. He shall not call on the driver while any person is going off the track but only when all persons have gone off it.

121. *Hand Signals.*—The hand signals used by the shunting jamadar by day and by night shall be those prescribed by the shunting rules of railways working under the Indian Railways Act (IX of 1890).

122. *Night work and fog.*—(1) In factories where employees work at night no movements of railway vehicles otherwise than by hand shall be permitted by the manager between sunset and sunrise unless the tracks and their vicinity are lighted on a scale of not less than one foot candle as measured at ground level out of doors by any recognised type of photometer or illumination meter at a time when the atmosphere is free from dust or obscuring fumes.

(2) In no circumstances shall any train be moved, otherwise than by hand, between sunset and sunrise or at any time when there is log, unless, it carries a white head light and a red rear light.

123. *Speed control.*—(1) Trains shall not be permitted by the manager to proceed at speeds greater than 6.44 kilo meter per hour.

(2) A train shall not be moved by mechanical or electrical power unless it is proceeded at a distanct of not less than 27 meters during the whole of its journey by the shunting jamadar. He shall be provided with the signaling flags or lamps necessary for its control by day or by night and with a whistle for calling the attention of the driver.

Provided that the Chief Inspector may be an order in writing exempt a specified factory or specified part of it, or all or any of the trains travelling it, from the operation of all or any of the provisions of this rule on such terms and conditions as he considers necessary for safety.

124. *New tracts.*—(1) Trains shall not be moved by power upon any railway track installed in a factory unless the railway, its equipment and behicles conform with this rule.

(2) The distances (a) between tracks and (b) between tracks and bulidings or blind walls and (c) tracks and materials deposited on the ground shall be respectively not less than :—

(*a*) from centre to centre of parallel tracks, the overall width of the widest wagon of that guage *plus* twice the width of the door of such wagon when opened directly outwards, *plus* 1 meter.

(*b*) form a building or wall other than a loading platform to the centre of the nearest track, half the overall width of the widest wagon of that guage, *plus* the width of the door of such

wagon when opened directly outward, *plus* 1.5 meters.

(*c*) from material stocked or deposited alongside the track on the ground or on a loading platform, to the centre of the track half the width of the widest wagon of that guage, *plus* the width of its door when opened directly outward, *plus* 1 meter.

Provided that the Chief Inspector may by an order in writing exempt a specified factory or specified part of it from all or any of the provisions of this sub-rule to such extent and on such conditions as he deems necessary.

(3) Within the factory precincts sleeper shall not be raised above ground level.

(4) All track ends shall be equipped with buffer stops of ample strength.

(5) Barriers of substantial construction shall be securely and permanently fixed across any doorway or gateway in a building or in a wall which conceals an approaching tain from view between the building and the track as prescribed in sub-rule (1) of Rule 109.

(6) Where tracks are carried on a gantry or other elevation, safe-footway or footways with hand rails and toeheards shall be provided at all positions where persons work or pass on foot; and where there is an opening in the stage of an elevated track for the dropping of material to a lower level, the position shall be adequately fenced or the opening itself provided with a grill through which a person cannot fall.

(7) All point levers shall have their movements parallel to, not across the direction of the track.

(8) All loading platforms which are more than 0.6 meters above the level of the ground on which the track is laid and more than 15 meters in length shall be provided with steps at intervals not greater than 15 meters apart to enable the platform to be easily mounted from the track.

(9) On every locomotive weighing 15.24 metric tons or more when empty the braes shall be capable of being applied by steam or other power as well by hand; or there are separate and distinct power and hand brakes.

125. *Motor Vehicles Speed of Cars.*—No road motor vehicle shall be permitted to be driven at a speed exceeding 16.1 kilometers per hour within the precincts of a factory;

Provided that in the case of large factories with departments separated by considerable distances and having roads of ample width the Chief Inspector may grant exemption by an order in writing from this rule to such extent and on such terms as he deems suitable.

126. *Car-Lights.*—No Motor Vehicle shall be driven at night within the precincts of a factory unless it conforms in respect of lights to the law in force on public roads in that locality.

FORM No. 1

(Prescribed under Rule 3)

Application for permission to construct, extend or take into use any building as a factory.

1. Applicant's name .. ..
   Applicant's Calling .. ..
   Applicant's Address .. ..
2. Full name and Postal Address of Factory.
3. Situation of the factory—
   State .. ..
   District .. ..
   Town or Village .. ..
   Nearest Police Station ..
   Nearest Railway Station or Steamer Ghat.

4. Particulars of plant to be installed

Signature of Applicant .....

Date .....

Note.—This application shall be accompanied by the following documents :—

(*a*) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages ;

(*b*) Plans, in duplicate, drawn to scale, showing—

(i) The site of the factory and immediate surroundings including against buildings and other structures. roads, drains, etc., and

(ii) The plan elevation and necessary cross-sections of the various buildings indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passages ways ; and

(*c*) Such other particulars as the Chief Inspector may require.

FORM No. 2

[Prescribed under Rules 4, 7, 11(3) and (12)]

Application for Registration and Grant or Renewal of Licence and Notice of occupation specified in Sections 6 and 7 (to be submitted in triplicate).

1. Full name of factory ..

2. (*a*) Full Postal address and situation of the Factory.

(*b*) Full address to which communication relating to the factory should be sent.

3. Nature of manufacturing process/processes.

mercury manganese, arsenic, carbon-disulphide or benzene poisoning, or poisoning by nitrous fumes or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series, or of chrome ulceration, anthrax silicosis, toxic anaemia, toxic jaundice, primary opithelimatous cancer of the skin, or pathological manifestations due to radium or other radio active substances or X-rays.

CHAPTER X

(SUPPLEMENTAL)

98. *Rule prescribed under sub-Section* (1) *of Section* 107—*Procedure in appeals.*—(1) An appeal presented under Section 107 shall lie to the Chief Inspector, or in cases where the order appealed against is an order passed by that Officer, to the State Government or to such authority as the Government may appoint in this behalf and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court fees stamps in accordance with Article 11 of Schedule II to the court fees Act, 1900 and shall be accompanied by a copy of the order appealed against.

(2) *Appointment of Assessors.*—On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body declared under sub-rule (3) to be representative of the industry concerned, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspecor whose order is appealed against, and shall call upon the two assessors or appear upon such date to assist in the hearing of the appeal.

(3) The appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of one or more of the following bodies. The body empowered to appoint the assessor shall :—

(*a*) if the appellant is a member of one such bodies, be that body ;

(*b*) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor, and

(*c*) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellant authority considers as the best fitted to represent the industry concerned.

(1) The Mysore Chamber of Commerce.

(2) The Mysore State Estate Labour Relations Organisation (M.P.A.), Kumergode Estate, Mudigere.

(3) The Indian Planters' Association, Chickmagalur.

or

(4) Other organisation of employees in the Industry concerned if any.

(4) *Remuneration of Assessors.*—An assessor appointed in accordance with the provisions of sub-Rule 2 and 3 shall receive for the hearing of the appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty rupees per diem. He shall also receive the actual, travelling expenses.

The fees and travelling expenses shall be paid to the assessors by Government, but where assessors have been appointed at the request of the appellant or the appeal has been decided wholly and partly against him the appellate authority may direct that the fees and travelling expenses of the assessors shall be paid in whole or in part by the appellant.

(*a*) Carried on in the factory during the last twelve months (In the case of factories already in existence).

(*b*) To be carried on in the factory during the next twelve months (In the case of all factories).

4. Names and values of principal products manufactured during the last 12 months.

5. (i) Maximum number of workers proposed to be employed on any one day during the year.

(ii) Maximum number of workers employed on any one day during the last 12 months.

(iii) Number of workers to be ordinarily employed in the factory.

6. (i) Nature and total amount of power (H.P.) installed or proposed to be installed.

(ii) Nature and quantity of power (H.P.) to be used.

7. Full name and residential address of the person who shall be the Manager of the Factory for the purpose of the Act.

8. Full name and residential address of the occupier.

(i) The proprietor of the Factory in case of Private Firm/Proprietary concern.

(ii) Directors in the case of a public limited liability Company/Firm.

(ii) Where Managing Agent has been appointed the name of the Managing Agents and Directors thereof.

(iv) Shareholders in case of a private company, where no Managing Agents have been appointed.

(v) The Chief Administrative Head in case of a Government or Local Fund Factory.

9. Full name and address of the owner of the premises or building (including the precincts thereof) referred to in Section 93.

10. In the case of a Factory constructed or extended after the date of the commencement of the Rules.

(*a*) Reference number and date of approval of the plans for sites whether for old or new building and for construction or extension of Factory by the State Government Chief Inspector.

(*b*) Reference number and date of approval or the arrangements, if any, made for the disposal of trade waste and effluents and the name of the authority granting such approval.

11. (i) Amount of fee Rs. ..... (Rupees .....) paid in ..... Treasury on ..... *Vide* Challan No. ..... (enclosed).

Signature of Occupier .....

Dated.....

Signature of Manager .....

Dated.....

Note.—

1. This form should be completed in ink in Block Letters or typed.

2. If power is not used at the time of filling up this form but is introduced later, the fact should be communicated to the Chief Inspector immediately.

3. If any of the persons named against item 8 is a minor, t fact should be clearly stated.

4. In the case of a Factory where under the proviso to sub-sections (1) and (2) of Section 100 a person has been nominated as the occupier, information required in item 8 should be supplied only in respect of that person.

5. In the case of a factory where a Managing Agent or Agents have been appointed as occupiers under the Indian Companies Act, 1913 (VII of 1913). Information required in item 8 should be supplied only in respect of that person or persons.

FORM No. 3

(Prescribed under Rule 5)

Registration and Licence to work a factory

Registration No..... Fee Rs. .....
Serial No. .....

Licence is hereby granted to ..... valid only for the premises described below for use as a factory employing not more than ..... persons on any one day during the year and using motive power not exceeding ..... H.P., subject to the provisions of the Factories Act, 1948, and the Rules made thereunder.

This licence shall remain in force till the 31st day of December 19....

The ..... 19.... *Chief Inspector of Factories.*

Description of the Licensed Premises

The licensed premises shown on plan No. ..... dated ..... are situated in ..... and consist of .....

Date of Renewal	Date of expiry	Signature of Licensing authority.

FORM No. 3-A

[*Vide* Rule 12(*c*)]

(*Vide* G.O. and Letter No. 510—10—60. Fac., dated 12th December 1960)

Notice of Change of Manager

1. Name of Factory with current Licence Number.

2. Postal Address

3. Name of outgoing Manager ..

4. Name of new Manager with the Postal address of his residence and Telephone Number, if installed.

5. Date of appointment of the new Manager

Signature of New Manager.

Signature of Occupier.

FORM No. 4

(Prescribed under Rule 14)

Certificate of Fitness

---

1. Serial No. .....
   Date .....
2. Name .....
3. Father's name .....
4. Sex .....
5. Residence .....
6. Date of birth if available and for certified age ....
   .....
7. Physical fitness .....
8. Descriptive marks .....
   .....
9. Reasons for—
   (1) Refusal of certificate
   .....
   .....
   .....
   (2) Certificate being revoked.....
   .....
   .....
   .....

Thumb impression.

Certifying Surgeon.
Initials of

Serial No. .....
Date .....

I certify that I have personally examined (Name) .....
.....
.....
son/daughter of .....
.....
.....
Residing at .....
.....
.....
Who is desirous of being employed in a factory, and that his/her age, as nearly as can be ascertained from my examination, is ..... years and that he/she is fit for employment in factory as an adult/child.

His/Her descriptive are .....
.....
.....

Thumb impression.

Initials of
Certifying Surgeon.

Note.—Exact details of cause of Physical disability should clearly stated.

FORM No. 5

(Prescribed under Rule 22)

HUMIDITY REGISTER.

Department.....

Hygrometer — Distinctive mark or number .....

Position in department .....

Date, Year, Month, Day	Reading of Hygrometer: Between 7 and 9 a.m.		Between 11 a.m. and 2 p.m. (but not in the rest period		Between 4 and 5-30 p.m.		If no humidity insert none	Remarks
	Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
1st								
2nd								
3rd								
4th								
5th								
6th								
7th								
8th								
9th								
10th								
11th								
12th								
13th								
14th								
15th								
16th								
17th								
18th								
19th								
20th								
21st								
22nd								
23rd								
24th								
25th								
26th								
27th								
28th								
29th								
30th								
31st								

(Signed) .....

Certified that the above entries are correct.

(Signed) .....

FORM No. 6.

(Prescribed under Rule 16).

RECORD OF LIME-WASHING, PAINTING, Etc.

Part of factory e.g., *name of room*	*Parts lime washed painted, varnished or oiled*, e.g., *walls, ceilings, wood work, etc.*	*Treatment, whether lime-washed, painted, varnished or oiled*	*Date on which lime-washing, painting, varnishing or oiling was carried out (according to the English Calendar)*			**Remarks**
			Day	*Month*	*Year*	
1	2	3	4	5	6	7

Signature of Manager.

FORM No. 7

(Prescribed under Rule 56)

REPORT OF EXAMINATION OF PRESSURE VESSEL

1. Name of Occupier (or factory)

2. Situation and address of factory

3. Name, description and distinctive number of pressure vessel.

4. Name and address of manufacturer

5. Nature of process in which it is used ..

6. Particulars of vessel :—

   (*a*) Date of construction ..
   (*b*) Thickness of walls ..
   (*c*) Date on which the vessel was first taken into use.
   (*d*) Safe working pressure recommended by the manufacturer.

   (The history should be briefly given and the examiner should state whether he has seen the last previous report).

7. Date of last hydraulic test (if any) and pressure applied.

8. Is the vessel in open, or otherwise exposed to weather or to dam ?

9. What parts (if any) were inaccessible ?

10. What examination and tests were made ? (specify pressure if hydraulic test was carried out).

11. Condition of vessel (state any defects materially affecting the safe working pressure or the safe working of the vessel). External .....
    Internal .....

12. Are the required fittings and appliances provided in accordance with the Rules for pressure vessels ?

13. Are all fittings and appliances properly maintained and in good condition ?

14. Repairs (if any), required and period within which they should be executed and any other condition which the person making the examination thinks it necessary to specify for securing safe working.

15. Safe working pressure, calculated from dimensions and from the thickness and other data ascertained by the present examination, due allowance being made for conditions of working if unusual or or exceptionally severe (state minimum thickness of walls measured during the examination).

16. Where repairs affecting the safe working pressure are required, state the working pressure :

(*a*) Before the expiration of the period specified in (14).
(*b*) After the expiration of such period if the required repairs have not been completed.
(*c*) After the completion of the required repairs.

17. Other observations ..

I certify that on.....the pressure vessel described above was thoroughly cleaned and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination and that on the said date, I thoroughly examined this pressure vessel, including its fittings, and that the above is a true report of my examination.

Signature.....
Qualification.....
Address..... .....
.....
Date.....

If employed by a Company or Association, give name and address.

....
.....
....

FORM No. 8.

(Prescribed under Rule 77)

REGISTER OF COMPENSATORY HOLIDAYS

Sl. No.	*Number in the Register of workers*	*Name*	*Group or Relay No.*	*No. and of exempting order*	*Year*	*Weekly rest days lost due to the exempting order in*				*Date of compensatory holidays given in*				*Lost rest days carried to the next year*	*Remarks*
						January to March	*April to June*	*July to September*	*October to December*	*January to March*	*April to June*	*July to September*	*October to December*		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

FORM NO. 9.

(Prescribed under Rule 78)

OVERTIME MUSTER ROLL FOR EXEMPTED WORKERS

Month ending.....19

No. in Register	*Name*	*Department*	*Dates on which overtime has been worked*	*Extent of overtime on each occassion*	*Total overtime worked on production in case of piece workers*	*Normal hours*	*Normal rate of pay*	*Overtime rate of pay*	*Normal earnings*	*Overtime earnings*	*Cash equivalen of advantage accruing through concessional sale of food grains and other articles*	*Total earnings*	*Date on which over'ime payments made*
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM No. 10.

(*Prescribed under Rule 79*).

NOTICE OF PERIODS OF WORK FOR ADULT WORKERS

Name of Factory..... District.....

Place.....

Period of work Groups Relays	Men					Women					Description of Groups		Remark.
	Total number of men employed					Total number of women employed							
	A	B	C	D	E	F	G	H	I	J	Groups letter	Nature of work	
	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3			
On working days ..													
From													
To													
From													
To													
From													
To													
On partial working days ..													
From													
To													
From													
To													

Date on which this notice first exhibited.....19

(*Signed*.....*Manager*.

FORM No. 11.

(*Prescribed under Rule* 80)

REGISTER OF ADULT WORKERS

Sl. No.	Name and residential address of the worker	Father's name	Nature of work	Letter of group as in Form	Number of relay if working in shifts and date of effect		No. and date of certificate of an adolescent		Date of first employment in the Factory	Remarks
					(*a*) Numbers of Relays	(*b*) Date of effect	No. of certificate and date	Token No. giving reference to the certificate		
1	2	3	4	5	6	7	8	9	10	11

FORM No. 12.

(*Prescribed under Rule* 85).

NOTICE OF PERIODS OF WORK FOR CHILD WORKERS.

Name of Factory..... Place..... District.....

Period of work	Children Total number of children employed						Description of group		Remarks
Groups	A		B		C		Group Letter	Nature of work	
Relays	1	2	1	2	1	2			

(*Signed*).....

Manager.

FORM No. 13.

(*Prescribed under Rule* 86)

REGISTER OF CHILD WORKERS

Serial Number	Name and residential address of the Child	Father's name	Date of first employment	No. of certificate and its date	Token number giving reference to certificate	Letter of group as in Form 12	No. of relay if working in shifts		Remarks
							(*a*) No. of relay	(*b*) Date of effect	
1	2	3	4	5	6	7	8	9	10

ANNEXURE 1.

(Form No. 14 — Prescribed under Rule 87)

REGISTER OF LEAVE WITH WAGES.

Serial No. .....

Department.....

Serial No. in the Register of Adult/Child workers.....
Date of entry into service .....

Adult/Child .....

Name .....

Father's name .....
Date of Discharged
Date and amount of payment made in lieu of leave due ....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Calendar year of Service	Wage period from.....to.....	Wages earned during the wage period	No. of days of work performed	No of days worked during the Calendar year.			Total of columns 4 to 7	Leave to Credit.		Total of columns 9 and 10	Whether leave is in accordance with scheme under section 79 (8) was refused.	Leave enjoyed from..... To.....	Balance of leave to credit	Normal rate of wages	Cash equivalent of advantage accruing through concessional sale of food grains and other articles.	Rate of wages for the leave period (1otal of columns 15 and 16)	Remarks
				No. of days of lay off	No. of days of maternity leave	No. of days of leave enjoyed		Balance of leave from Preceding year.	Leave earned during the year mentioned in col. 1								

Note.—Separate page will be allotted to each worker.

Leave Book.

Form No. 15 (prescribed under Rule 88).

(Shall be the same as " Register of leave with wages " (Form No. 14), but shall be made out separately for each worker on a thick bound sheet.

FORM No. 16.

(Prescribed under Rule 14).

HEALTH REGISTER.

(In respect of persons employed in occupations declared to be dangerous operations under Section 87)

Name of certifying Surgeon.

(*a*) Mr. .....
From.....to.....
(*b*) Mr.....
From.....to.....
(*c*) Mr.....
From.....to.....

1	Serial Number
2	Works Number
3	Name of worker
4	Sex
5	Age (last birthday)
6	Date of employment on present work.
7	Date of leaving or transfer to other work.
8	Reasons for leaving, transfer or discharge.
9	Nature of job or occupation
10	Raw material or by-product handled.
11	Dates of Medical Examination by Certifying Surgeon.
	Result of Medical Examination
12	If suspended from work, state period of suspension with detailed reasons.
13	Re-certified fit to resume duty on (with signature of certifying Surgeon).
14	If certificate of unfitness or suspension issued to worker.
15	Signature, with date of certifying Surgeon.

Note.— (i) Column 8, detailed summary of reasons for transfer or discharge should be stated.

(ii) Column 11, should be expressed as fit (unfit/suspended)

FORM No. 17

(*Prescribed under Rule* 96)

NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE

(*See* instructions on the reverse)

---

1. Name of Occupier (or Factory)

2. Address of works where accident or dangerous occurence happened.

3. Nature of Industry

4. Branch or Department and exact place where the accident or dangerous occurence happened.

5. Injured person's name and address

6. (*a*) Sex, (*b*) Age (last birthday) and (*c*) Occupation of injured person. (*a*) (*b*) (*c*)

7. Date and hour of accident or dangerous occurrence.

8. Hour at which he started work on day of accident.

9. (*a*) Cause of nature of accident or dangerous occurence. (*a*)

   (*b*) If caused by machinery :

   (i) give name of the machine and part causing the accident, and (*b*) (i)

   (ii) state whether it was moved by mechanical power at the time. (*b*) (ii)

   (*c*) State exactly what injured person was doing at the time. (*c*)

   (*d*) The name or names of person or persons who witnessed the accident and who can explain the cause of accident. (*d*)

10. Nature and extent of injuries (*e.g.*, fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis).

11. If accident is not fatal, state whether injured person was disabled for 48 hours or more.

12. Name of Medical Officer in attendance on injured person.

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature of Occupier or Manager.....

Date of despatch of report.....

Note.—To be completed in legible handwriting or preferably typewritten. (This space to be completed by Inspector).

District :

Date of Receipt :

Accident No.

Industry No.

Causation No.

Sex (M. W. B. or G.)

Other particulars (*e.g.*, fatal, leg injury, arm injury, etc.)

Date of investigation

Result of investigation

Notification of Accidents

EXTRACT FROM THE FACTORIES ACT, 1948

(*Section* 88)

Where in any factory as accident occurs which causes death or which causes any bodily injury by reason of which the person injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

.....

Extract from the Mysore Factories Rules
(Rule 96)

Notification of accidents.—(1) When any accident or occurence specified in the Schedule takes place in a factory, the manager of the factory shall forthwith send notice thereof by telephone, special messenger or telegram to the Inspector and Administrative Medical Officer of the Employees' State Insurance Scheme and if the accident is fatal or of such a serious nature that is likely to prove fatal, notice as aforesaid shall also be sent to :—

(*a*) The District Magistrate or Sub-Divisional Officer, and

(*b*) The Officer-in-charge of the nearest police station.

(2) The notice so given shall be confirmed by the manager of the factory, to the abovementioned authorities within 12 hours of the occurence by sending to them a written report in the prescribed form No. 17 :

Provided that such bodily injury as prevents the person injured, from working, for a period of 48 hours immediately following the accident shall be reported to the Inspector of the area concerned forthwith.

(3) In case of an accident resulting in the ..... death of person within 7 days of the accident information of his death whenever known shall be sent by the manager of the factory as prescribed under sub-rule (1).

(4) Copies of such notices shall be maintained for a period of three years.

SCHEDULE

1. Accidents which cause—

(*a*) death to any person;

(*b*) such bodily injury as prevents or will probably prevent the person injured from working for a period of 48 hours immediately following the accident.

2. The following classes of occurences, whether or not they are attended by personal injury or disablement :—

(*a*) Bursting of a plant or vessel used for containing or supplying steam under pressure greater than atmospheric pressure.

(*b*) Collapse or failure of a Crane, derrick winch, hoist or other appliance used in raising or lowering persons or goods or any part thereof, or the overturning of a crane.

(*c*) Explosion or fire causing damage to any room or place in which persons are employed or fire in rooms of cotton pressing factories when a cotton opener is in use.

(*d*) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from compression of gas.

(*e*) Collapse of subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or buildings forming part of a factory or with the compound or cutilage of factory.

FORM No. 17-A.

(*Prescribed under Rule* 104).

REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCE.

Name of injured person (if any)	Date of accident or dangerous occurance	Date of report (in Form No. 21) to Inspector	Nature of accident of dangerous occurrence	Date of return of injuresd person to work	Number of days injured person was absent from work
1	2	3	4	5	6

FORM No. 18

(*Prescribed under Rule* 97)

To be filled in by the Chief Inspector.

No. of case.....

Remarks .....

NOTICE OF POISONING OR DISEASE

(*See* instructions on reverse)

Factory particulars .. 1. Name of Factory.....

2. Address of Factory.....

3. Address of office or private residence of occupier .....

4. Nature of Industry .....

Person affected .. 5. Name and works Number of Patient .....

6. Address of Patient .....

7. Sex and Age of Patient.....

8. Precise occupation of Patient .....

9. Nature of poisoning or Disease from which patient is suffering.....

General Particulars .. 10. Has the case been reported to the certifying Surgeon .....

Signature of Factory Manager .....

Date .....

Notice of Poisoning or Disease

EXTRACT FROM THE FACTORIES ACT, 1948

(*Section* 89)

Where any worker in a factory contracts any disease specified in the Schedule, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

EXTRACT FROM THE MYSORE FACTORIES RULES, 19....

(*Rule* 97)

A notice in Form 18 should be sent forthwith both to the Chief Inspector and to the Certifying Surgeon by the Manager of a factory in which there occurs a case of lead, phosphorus, mercury, manganese, arsenic, carbon disulphide or benzene poisoning or poisoning by nitrous of the aliphatic series, or of chrome ulceration, anthrax, silocosis, toxic anæmia, toxic jaundice, primary .opithelimations cancer of the skin, or pathological manifestations due to radium or other radio active substances or X-rays.

FORM No. 19

(Prescribed under Rule 99).

ABSTRACT OF THE FACTORIES ACT, 1948 AND THE MYSORE FACTORIES RULES, 19 ....

(To be affixed in a conspicuous and convenient place at or near the main entrance to the Factory).

Interpretation.

"Factory" means any premises including the precincts thereof :—

(i) Whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(ii) Whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on wihout the aid of power or is ordinarily so carried on,
but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923) or a railway running shed.

"Worker" means a person employed, directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process.

"Manufacturing process" means any process for making, altering, repairing, ornamenting, finshing, packing, oiling, washing, cleaning, repairing, ornamenting, finishing, packing, oiling, washing, cleanarticle or substance with a view to its use, sale, transport, delivery or disposal, or pumping oil, water or sewage, or generating, transforming, or transmitting power, or printing by letterpress, lithography, photo-gravure or other similar work or book-binding, which is carried on by way of trade or for purposes of gain, or incidental to another business so carried on, or constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels.

WORHING HOURS, HOLIDAY, INTERVAL FOR REST, ETC.

1. *Hours of work (Adults), Sections* 51 *and* 54.—No adult worker shall be required, or allowed, to work in a factory for more than 48 hours in any week and for more than 9 hours in any day.

2. *Relaxation of hours of work (Adults) Section* 64.—The ORDINARY LIMITS on working hours of adults may be relaxed in certain special cases, *e.g.*, workers engaged on urgent repairs; in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory; in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest; in work which for technical reasons must be carried on continuously throughout the day, in making or supplying articles of prime necessity which must be made or supplied every day; in a manufacturing process which cannot be carried on except during fixed seasons, or at times dependent on the irregular action of natural forces or transmission machinery in engine rooms or boilers houses or in attending to power plant.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits:—

(i) the total number of hours of work in any day shall not exceed ten;

(ii) the total number of hours of overtime work shall not exceed 50 for any one quarter;

(iii) the spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.

In the case of any or all adult workers in any factory, the ordinary limits on working hours of adults may be relaxed, for a period or periods not exceeding in the aggregate 3 months in any year, to enable the factory to deal with an exceptional press of work.

3. *Payment of overtime, Section* 59.—Where a worker works in a factory for more than 9 hours in any day or for more than 48 hours in any week he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

4. *Exemption of supervisory staff, Section* 64.—Chapter VI of the Act working hours of adults does not apply to persons holding positions of supervision or management or employed in a confidential position in a factory.

5. *Weekly Holiday (Adults), Section* 52.—No adult worker shall be required or allowed to work in a factory in the first day of the week, unless he has, or will have, a holiday for a whole day on one of the three days immediately before or after the said day and the manager of the factory has before the said day, or the substituted day, whichever is earlier, delivered a notice at the office of.

the Inspector of his intention to require the worker to work on the said day of the day which is to be substituted, and displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

Where a worker in a factory as a result of exemption from the ordinary—provision relating to weekly holidays, is deprived of any of the weekly holidays, he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost.

6. *Intervals for Rest (Adults), Sections 55 and 56.*—The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours before he has had an interval for rest of at least half an hour and that inclusive of his intervals for rest they shall not spread over more than 10½ hours in any day or with the permission of the Chief Inspector in writing, 12 hours.

7. *Prohibition of double employment, Section* 60, 71 *and* 99.—No child or except in certain circumstances an adult worker, shall be required or allowed to work in any factory on any day on which he has already been working in any other factory.

If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages shall be punishable with fine which may extend to Rs. 50 unless it appears to the court that the child so worked without the consent or convenience of such parent, guardian or person.

8. *Prohibition of Employment of children under* 14, *Section* 67.—No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

9. *Hours of work (Children), Section* 71.—No child shall be employed or permitted to work in any factory for more than 4½ hours in any day and between the hours of 7 P.M. and 6 A.M. The periods of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spreadover more than 5 overlap or spreadover more than 5 hours each and each child shall hours each and each child shall be employed in only one of the relays.

The provision relating to weekly holidays shall also apply to child workers and no exemption from this provision may be granted in respect of any child.

10. '*Prohibition of Employment of women, Section* 66.—No Woman shall in any circumstances be employed in any factory for more than 9 hours in any day or between 7 P.M. and 6 A.M.

11. *Leave with wages, Sections* 79, 80 *and* 83 *and Rules.*—Every worker who has completed a period of 12 months continuous service in a factory shall be allowed during the subsequent period of 12 months leave with wages for a number of days calculated at the rate of :—

(i) if an adult, one day for every 20 days of work performed by him during the previous period of 12 months subject to a minimum of 10 days.

(ii) if a child, one day for every 15 days of work performed by him during the previous period of 12 months subject to a minimum of 14 days :

Provided that a period of leave shall be inclusive of any holiday which may occur during such period.

For the leave allowed to him, a worker shall be paid at a rate equal to the daily average of his total full-time earnings, exclusive of any overtime earnings, and bonus, but inclusive of dearness allowance and the cash equipment of any advantage accruing by the sale, by the employer, of foodgrains and other articles at concessional rates for the days on which he worked during the month immediately preceding his leave.

Where the employment of a person who has completed a period of four months continuous service in a factory is terminated before he has completed a period of twelve months continuous service, he shall be deemed to have become entitled to leave for the number of days caluclated at the rate of, if an adult one day for every 20 days of work performed by him, and if a child one day for every 15 days of work performed by him, and the occupier of the factory shall pay to him the amount payable in respect of the leave to which he is deemed to have become entitled.

If a worker entitled to leave with wages is discharged from the factory before he has taken the entire leave to which he is entitled, or if having applied for and having not been granted such leave, he quits his employment before he has taken the leave, the occupier of the factory shall pay him the amount payable in respect of the leave not taken such payment shall be made before the expiry of the second working day after the day on which his employment is terminated.

The manager shall maintain a Leave with Wages Register in the prescribed Form No. 14 and shall provide each worker with a book called the " Leave Book " in the prescribed Form No. 15. The leave book shall be the property of the worker and the Manager or his Agent shall not demand it except to make entries of the dates of holidays or interruptions in service and shall not keep it for more than a week at a time. If a worker loses his leave book, the Manager shall provide him with another copy on payment of six Paise and shall complete it from his record.

HEALTH

12. *Cleaanliness, Section* 11.—Except in cases specially exempted all inside walls and partitions, all ceilings or tops of rooms and all wals, sides and tops of passages and stair-cases in a factory shall be kept white-washed or colour washed. The white-washing or colour washing shall be carried out at least once in every period of fourteen months. The floors of every workroom shall be cleaned at least once in every week by washing, using disinfectant where necessary, or some other method.

13. *Disposal of Wastes and Effluents, Section* 12.—Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

14. *Ventilation and Temperature, Section* 13.—Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the circulation of fresh air and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

15. *Overcrowding, Section* 16.—Unless exemption has been granted, there shall be in every workroom of a factory in existence on 1st April 1949 at least 9.9 cubic meters and of a factory built after this date at least 14.2 cubic meters of space for every worker employed therein and for this purpose no account shall be taken of any space which is more than 4.27 meters above the level of the floor of the room.

16. *Lighting, Section* 17.—In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artifical or both.

17. *Drinking water, Section* 18.—In every factory effective arrangements shall be made to provide and maintain at suitable

points, conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.

In every factory wherein more than 250 workers are ordinarily employed the drinking water shall, during the hot weather be cooled by ice or other effective methods. The cooled drinking water shall be supplied in every canteen, lunch room and rest room and also at conveniently accessible points throughout the factory.

18. *Latrines and Urinals.—Section* 19 *and Rules.*—In every factory sufficient latrine and urinal accommodation of the prescribed type (separate enclosed accommodation for male and female workers) shall be provided conveniently situated and accessible to workers at all times while they are at the factory. Every laterine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings. Sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

10. *Spittoons, Section* 20.—In every factory, there shall be provided a sufficient number of spittoons of the type prescribed in convenient places and they shall be maintained in a clean and hygienic condition. No person shall spit within the premises of a factory except in the spittoons provided for the purpose. Whoever spits in conteravention of this provision shall be punishable with fine not exceeding five rupees.

SAFETY

20. *Fencing of Machinery, Section* 21.—In every factory dangerous parts of machines, *e.g.,* every moving part of a prime mover and every fly-wheel connected to a prime mover etc., shall be securely fenced by safeguards of a substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

21. *Work on or near machinery in Motion, Section* 22.—No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery while that part is in motion, or to work between moving parts, or between fixed and moving parts of any machinery which is in motion.

22. *Employment of young persons in Dangerous Machinery, Section* 23.—No young person shall work at any machine declared to be dangerous unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

23. *Casing of New Machinery, Section* 26.—In all machinery driven by power and installed in any factory after 1st April 1949 every set screw, bolt or key or any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger, all spur, worn and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely enceased, unless it is so situated as to be as safe as it would be if it were completely encased.

Whoever sells or lets on hire or as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with these provisions, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

24. *Prohibition of employment of Women and Children near Cotton openers, Section* 27.—No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work.

25. *Excessive Weights, Section* 34 —No woman or young person shall, unaided by another person, lift, carry or move by hand or on head any material, article, tool or appliance exceeding the following limits :—

Adult female	.. 30 K.G.
Adolescent male	.. 30 K.G.
Adolescent female	.. 20 K.G.
Male child	.. 16 K.G.
Female child	.. 14 K.G.

26. *Protection of Eyes, Section* 35.—Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the vicinity of processes which involve risk of injury to the eye from particles or fragments thrown off in the course of the process or which involve risk of injury to the eyes by reason of exposure to excessive light.

27. *Precautions in case of Fire, Section* 38.—Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein. The doors affording exit from any room shall, unless they are of the sliding type, be constructed to open outwards. Every window, door or other exit affording a means of escape in case of fire other than the means of exit distinctively marked. Effective and clearly audible means of giving warning in case of fire to every person employed in the factory shall be provided. Effective measures shall be taken to ensure that wherein

more than twenty workers are ordinarily employed in any place above the ground floor, or wherein explosive or highly inflammable materials are used or stored, all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

WELFARE

28. *Washing Facilities, Section* 42.—In every factory adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein. Such facilities shall include soap and nail brushes or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

If female workers are employed separate facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass.

29. *Facilities for storing and drying clothing, Section* 43 *and Rules.*—In the case of certain dangerous operations, *e.g.*, lead processes liming and tanning of raw hides and skins, etc., suitable places for keeping clothing not worn during working hours and for the drying of wet clothing shall be provided and maintained.

30. *Facilities for sitting, Section* 44.—In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position in order that they may take advantage of any opportunities for rest which may occur in the course of their work.

31. *First Aid and Ambulance Room, Section* 45.—There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents. All such boxes and cupboards shall be kept in the charge of a responsible person who is trained in first aid treatment and who shall always be available during the working hours of the factory.

In every factory wherein more than 500 workers are employed there shall be provided and maintained an ambulance room of the prescribed size and containing the prescribed equipment. The ambulance room shall be in charge of a qualified medical practitioner assisted by at least one qualified nurse and such other staff as may be prescribed.

32. *Canteens, Section* 46 *and Rules.*—In specified factories wherein more than 250 workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the

use of the workers. Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of a canteen Managing Committee which shall be appointed by the Manager and shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory provided that in no case shall there be more than 5 or less than 2 workers on the committee. The committee shall be consulted from time to ime on to the quality and quantity of foodstuffs to be served in the Canteen, the arrangement of the menus, etc., etc.

33. *Shelters, Rest Rooms and Lunch Rooms, Section* 47.—In every factory wherein more than 150 workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them shall be provided and maintained for the use of the workers.

34. *Creche, Section* 48 *and Rules.*—In every factory wherein more than 50 women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. The Creche shall be adequately furnished and equipped and in particular, there shall be one suitable cot or cradle with the necessary bedding for each child at least one chair or equivalent sitting accommodation for the use of the mother while she is feeding or attending to her child and a sufficient supply of suitable toys for older children.

There shall be in or adjoining the Creche a suitable wash-room for washing of the children and their clothing. An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the Creche. Atleast half a pint of clean/ pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work suitable intervals to feed the child. For children above two years of age, there shall be provided, in addition an adequate supply of wholesome refreshment, A suitably fenced and shady open air play-ground shall also be provided for the other children.

35. *Welfare Officers, Section* 49.—In every factory wherein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of Welfare Officers as may be prescribed.

36. *Dangerous Operations, Section* 87 *and Rules.*—Employment of women, adolescents and children is prohibited or restricted

in certain operations declared to be dangerous, *e.g.*, manufacture of aerated water, electroplating, manufacture and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacturing and treatment, of lead and certain compounds of lead, generation of gas from dangerous petrol, sand blasting and liming and tanning of raw hides and skins.

37. *Notice of Accidents, Section* 88 *and Rules.*—Wherein any factory an accident occurs which causes death or which causes bodily injury by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident or which, though not attended by personal injury or disablement, is of one of the following types :—

(i) Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure, other than plant which comes within the scope of Indian Boiler Act.

(ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods or any part thereof, or the overturning of a crane.

(iii) Explosion or fire causing damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories, where a cotton opener is in use.

(iv) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(v) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory.

The Manager of the factory shall forthwith send notice thereof to the Inspector and the Administrative Medical Officer of the State Employees' Insurance Scheme. If the accident is fatal, or of such a serious nature that it is likely to prove fatal, notice shall also be sent to the District Magistrate or the Sub-Divisional Officer and the Officer-in-charge of the nearest Police Station.

38. *Notice of Certain Diseases, Section* 89 *and Rules*—Where any worker in a factory contracts any of the following diseases, the Manager of the factory shall send notice thereof forthwith both to the Chief Inspector and Certifying Surgeon.

Lead, phosphorus, mercury, manganese, arsenic, carbon disulphide or benzene poisoning, or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulcertion anthrax, silicosis, toxic anaemia, toxic jaundice, primary opitheliomatous cancer of the skin, or pathological manifestations due to radium or other radio-active substances or X-rays.

39. *No change for facilities and conveniences, Section* 114.—No fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided or any equipments or appliances to be supplied by the occupier under the provisions of the Act.

40. *Powers of Inspectors, Sections* 9 *and* 82.—Inspectors have power to inspect factories any time and may require the production of Registers, certificates, etc., prescribed under the Act and the Rules.

Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid by any employer under the provisions relating to leave with wages, which the employer has not paid.

41. *Obligations of Workers, Sections* 97 *and* 111.—No worker in a factory—

(i) shall wilfully interfere with or misuse any appliance, convenience of other thing provided in a factory for the purposes of securing the health safety or welfare of the workers therein,

(ii) shall wilfully and without any reasonable cause do anything likely to endanger himself or others, and

(iii) shall wilfully neglect to make use of any appliance or other things provided in the factory for the purpose of securing the health or safety of the workers therein.

If any worker employed in a factory contravenes any of these provisions or any rule or order made thereunder he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 100 or with both.

If any worker employed in a factory contravenes any provisions of the Act or any Rules or orders made thereunder imposing any duty or liability on workers, he shall be punishable with fine which may extend to Rs. 20.

42. *Certificate of fitness, Sections* 68, 70 *and* 98.—No child who has completed his fourteenth year or an adolescent shall be required or allowed to work in any factory unless a certificate of fitness granted with reference to him is in the custody of the Manager of the factory and such child or adolescent carried, while he is at work, a token giving a reference to such certificate. Any fee payable for such a certificate shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

An adolescent who has been granted a certificate of fitness to work in a factory as an adult and who while at work in a factory carried a token giving reference to the certificate shall be deemed to be an adult for all the purposes of the provisions of the Act relating to the working hours of adults and the employment of young persons, an adoloscent who has not been granted a certificate of fitness to work in a factory as an adult shall, notwithstanding his age, be deemed to be a child for all the purposes of the Act.

Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself, a certificate granted to another adolescent to work in a factory as an adult, or who having procured such a certificate knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 50 or with both.

43. *Registers, Notices, and Returns, Sections* 61, 63, 72, 74, 79, 80 *and* 110.—A register of adult workers in the prescribed Form No. 11 and a register of child workers in the prescribed Form No. 13 shall be maintained by the Manager of every factory.

A notice of periods of work for adults and a notice of work for children in the prescribed Forms No. 10 and 12 shall be correctly maintained and displayed in every factory. No adult worker or child shall be required or allowed to work in any factory otherwise than in accordance with their respective notices of periods of work displayed in the factory.

The owners, occupiers or managers of factories shall submit the prescribed periodical returns to the Inspector regularly.

FORM No. 20

[Prescribed under sub-rules (1), (4), (5), (6), (7), (8), (9) of Rule 100]

Annual Return

Year ending 31st December 19....

Name of Factory :

Name of Occupier :

Name of Manager :

(1) District :
(2) Postal Address :
(3) Nature of Industry :
(4) Average number of workers employed daily—
Men :
Women :
Adolescent :
Male :
Female :
Children :
Male :
Female :

The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days in the year. In reckoning attendances by temporary as well as permanent employees should be counted, and all employees should be included, whether they are employed directly or under Contractors. Attendances on separate shifts (*e.g.*, night and day shifts) should be counted separately. Days on which the Factory was closed for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as working days. Partial attendance for less than half a shift on working day should be ignored while attendance for half a shift or more on such day should be treated as full attendance.

(5) Normal hours worked per week—
Men :
Women :
Children :

(6) Number of days worked in the year—

Men :
Women :
Children :

(7) Does the factory come under—

(i) Section 87.
(ii) Section 93.

(8) Average daily number of workers employed in dangerous operations :

Leave with Wages

(9) Total number of persons employed during the year :

Men :
Women :
Children :

(10) Number of persons who are entitled to annual leave with wages during the Calendar year to which this return relates—

Men :
Women :
Children :

(11) Number of persons who were granted leave during the year—

Men :
Women :
Children :

(12) Number of persons who gave notice not to avail themselves of leave during the year in which leave accrued—

Men :
Women :
Children :

(*a*) Number of workers discharged or dismissed from service during the year :

(*b*) Number of discharged workers paid wages in lieu of leave :

(*c*) Total amount of wages paid in lieu of leave :

Compensatory Holidays

(13) Number of workers exempted from Section 52 of the Factories Act—

Men :
Women :

(14) Number of workers who received holidays in the—

(1) Same month :
(2) Following month :
(3) Third month :

Canteen

(15) Type of Canteen—

Providing cooked food and Refreshments.	Providing cooked food only.	Providing refreshments and tea only.	Providing tea only.	Approximate average No of workers using daily.	Items of expenditure borne by the occupier stating separately the total expenditure borne by the occupier in subsidizing sale of food stuffs or in otherwise selling food stuffs below cost price.
*(A)	*(B)	*(C)	*(D)		

*While furnishing information please use symbols.

Creche

(16) Number of children admitted to the Creche :

(17) Approximate average daily attendance of children at the Creche—

(*a*) Two years and below :
(*b*) Above two years :

(18) Details of facilities provided with regard to—

(*a*) Milk :
(*b*) Food :
(*c*) Clothes :
(*d*) Toys :
(*e*) Medical Aid :
(*f*) Others :

(19) Details of Staff Employed—

(i) Doctors—

(*a*) Males :

(*b*) Females :

(ii) Nurses :

(iii) Teachers :

(iv) Ayahs :

(v) Sweepers :

Shelters, Rest Rooms and Lunch Rooms

(20) Approximate average daily attendance of workers at the shelter, rest room or lunch room :

(21) Details of facilities provided with regard to drinking water :

(22) Details of accommodation, furniture and other equipment provided :

Accident

(23) Number of accidents or dangerous occurences which took place during the year :

(24) Number of persons—

(*a*) Killed :

Men :
Women :
Children :

(*b*) Injured :

Men :
Women :
Children :

(25) Number of injured persons who returned to work :

(26) Number of man-days lost on account of absence due to injury in the case of persons who returned to work :

Certified that the information furnished above is, to the best of my knowledge and belief, correct.

Dated .....

Signature of Manager.

FORM No. 21

[Prescribed under sub-rule (3) of Rule 100]

Half-yearly return

Period ending 30th June 19....

Name of the Factory :

Name of Occupier :

Name of Manager :

(1) District :

(2) Postal Address :

(3) Nature of Industry :

(4) * Average number of workers employed daily—

Men :
Women :
Adolescent :
Male :
Female :
Children :
Male :
Female :

(5) Maximum number of workers employed during the year and the date of such employment :

(6) Total amount of H.P. installed :

(7) Number of days worked during the half-year ending 30th June 19....

Signature of Occupier. *Signature of Manager.*

---

* The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days during the half year. In reckoning attendances, by temporary as well as permanent employees should be counted and all employees should be included, whether they are employed directly or under contractors. Attendances on separate shifts (*e.g.*, night and day shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as working days.

FORM No. 22.

(Prescribed under Rule 103).

MUSTER ROLL

Name of Factory..... Place..... District.....

S.I No.	Name	Father's name	Nature of work	For the period ending												Remarks
				1	2	3	4	5	6	7	9	10	11	12		
(1)	(2)	(3)	(4)													(5)

FORM 23

(Prescribed under Rule 103).

MUSTER ROLL OF ADULT WORKERS

Name of Factory..... Hours of work..... Place..... District .....

Serial Number	Name of worker	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday			Total weekly hours	Usual weekly hours	Normal daily wages	Overtime pay paid under sub-section (1) of Section 59	Total amount paid	Remarks
		First period	Second period	Third period	First period	Second period	Third period	First period	Second period	Third period	First period	Second period	Third period	First period	Second period	Third period							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29

FORM No. 24.

(Prescribed under Rule 104)

REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES

Name of injured person (if any)	Date of accident or dangerous occurrences	Date of report (in Form No. 17) to Inspector	Nature of accident or dangerous occurrence	Date of return of injured person to work	No. of days injured person was absent from work
1	2	3	4	5	6

FORM No. 25.

(Prescribed under Schedule VI and I to Rule 95).

Special Certificate of Fitness.

(in respect of persons employed in operations involving use of lead compounds)

Serial No. .....

Date .....

I hereby certify that I have personally examined.....
son of ..... residing at .....
..... who is desirous of being employed as
..... in the .....
and that his age, as nearly as can be ascertained from my examination is, ... years, and that he is in my opinion, fit for employment at work involving the use of lead compounds. His descriptive marks are .....

Left Thumb impression of
person examined.

Certifying Surgeon.

I certify that I have examined the person mentioned above on	I extend this certificate until	Signature of Certifying Surgeon	Note of symptoms of lead poisoning (if any)

FORM No. 26

(Prescribed under Rule 93)

Form of Nomination

I hereby decalre that in the event of my death before resuming work the balance of my pay due for the period of leave with wages not availed of shall be paid to .....
who is my ... . and resides at ....
.....

1. Witness .....

2. Witness .....

Signature or thumb impression
of the worker.

Dated .....

FORM No. 27

[*Prescribed under clause* (*b*) *of sub-rule* (5) *of Rule* 14].

REGISTER OF SURGEON'S FEES FOR THE ISSUE OF DUPLICATE CERTIFICATES.

Serial Number	Number of previous certificate	Name of persons to whom granted	Initial of certifying Surgeon
1	2	3	4	5

Paid into Treasury at ..... on (date) .....

Signature of Certifying Surgeon.

Number examined ..... Number of certificates cancelled.
.....

Reasons for cancellation in each case (*i.e.*, general nature of unfitness) .....

(B) Adolescents :—

1. Original examination.

2. Number examined..... Number granted certificates
.....

Examination of those holding provisional certificates .....
Number examined ..... Number granted certificates
.....

Number of impounded provisional certificates .. ..

3. Re-examination of those holding certificates .....
Number examined ..... Number of certificates cancelled
.....

Reasons for cancellation in each case (*i.e.*, general nature of unfitness) .....

Signed .....

Certifying Surgeon .....

FORM No. 29.

(*Prescribed under Rule* 105)

Section or Rule from which exemption is granted	Subject dealt with	Extent of and reasons for exemption	By whom given	Date and Number of order	Remarks
1	2	3	4	5	6

FORM No. 30

(Prescribed under Rule 106).

PARTICULARS OF ROOMS IN THE FACTORY.

Name of room in Factory	*Dimensions of room in feet*			*Total floor area in Sq. feet*	*Floor area occupied by Machinery fixtures and materials*	*Breathing space (cubical contents) in cubic meters*	*Net floor area*	*Maximum number of persons who may be employed in the room*	*Remarks*
	Length	*Breadth*	*Height*						
1	2			3	4	5	6	7	8

Register prescribed under Section 22 (1).

The Register to record the name of specially *trained adult male workers shall be in Form No.* 31.

FORM No. 31

(*Prescribed under Rule* 53).

PART I.

1. Name of the worker

2. Serial Number as in the Register of ..... Workers under section 62 of the Act.

3. Father's name

4. Age and date of Birth

5. Nature of work

6. Qualifications, if any, or period of ..... service on similar work.

7. Date when tight fitting clothing were ..... provided.

8. Remarks .....

I certify that the abovementioned worker is a properly trained male adult worker who is competent to mount or ship belts, lubricate or do other adjusting operations on the machinery installed in my factory while they are in motion.

Signature of Occupier.

Signature or thumb impression of worker.

Date .....

FORM No. 32

[*Prescribed under Rule* 55 (*c*)].

Prescribed for report of examination of hoist or lift.

Occupier (or owner) of premises ....

Address.—

1. (*a*) Type of hoist or lift and identification number or description.

   (*b*) Date of construction or re-construction (if ascertainable)

2. Design and construction—

   Are all parts of the hoist or lift of good mechanical construction, sound material and adequate strength (so far as ascertainable)

3. Maintenance.—

   Are the following parts of the hoist or lift properly maintained and in good working order :

   If not, state what defects have been found :

   (*a*) Enclosure of hoistway or liftway

   (*b*) Landing gates and cage gate(s).

   (*c*) Interlocks on the landing gates and cage gate(s).

   (*d*) other gate fastenings.

   (*e*) Cage or platform and fittings cage guides, buffers, interior of the hoistway or liftway.

   (*f*) Overrunnings devices.

   (*g*) Suspension ropes or chains, and their attachments.

   (*h*) Safety gear, *i.e.*, arrangements for preventing fall of platform or cage brakes.

   (*i*) Brakes.

   (*j*) Worm or spur gearing.

(*k*) Other electrical equipment.

(*l*) Other parts.

4. What parts (if any) were inaccessible ?

5. Repairs, renewal or alterations (if any) required and the period within which they should be executed.

6. Maximum safe working load subject to repairs, renewals or alterations (if any) specified in (5).

7. Others.

I/We certify that on ..... I/We thoroughly examined the hoist or lift and that the above is a correct report of the result.

Signature. .....

Qualification.....

Address .....

Date .....

Countersignature ....
If employed by a Company or Association, give name and address.

Date . .....

FORM No. 33

(Prescribed under Rule 55)

PRESCRIBED FOR REPORT OF EXAMINATION FOR CRANES AND OTHER LIFTING MACHINES.

(i) Name of occupier of factory ..

(ii) Address of the factory .. ..

(iii) Distinguishing number of mark (if any) and description sufficient to identify the lifting machine, chain, rope or the lifting tackle.

(iv) Date when the lifting machine, chain, rope or lifting tackle was first taken into use in the factory.

(v) Date and number of the certificate relating to any test and examination made under Rule 55-A and 55-G together with the name and address of the person who issued the certificate.

(vi) Date of each periodical thorough examination made under clause (*a*) (iii) of sub-section (1) of Section 29 of the Act and Rule 55-F and by whom it was carried out.

(vii) Date of annealing or other heat treatment of the chain and other lifting tackle made under Rule 55-E and by whom it was carried out.

(viii) Particulars of any defects affecting the safe working load found at such thorough examination or after annealing and of the step taken to remedy such defects.

I/We certify that on ..... I/We thoroughly examined the abovementioned lifting machine/chain/rope/lifting tackle and that the above is a correct report of the result.

Signature .....

Qualification .....

Address .....

Date .....

Counter Signature .....

If employed by a company or Association give name and address.

.....

Date .....

FORM No. 34

(Prescribed under Rule 61 (c).

Serial Number	*Name and Father's Name of worker*	*Designation or Nature of work*	*Department*	*Date when tight clothes provided*	*Signature or thumb impression of worker*
1	2	3	4	5	6

FORM No. 35

(Prescribed under Sub-rule (2) of Rule 13)

DIARY OF INSPECTOR OF FACTORIES.

For the week ending Saturday the.....19

Date	*Factories visited or other work done (if visited for a special purpose, state what)*	*Defects found and orders issued*	*Remarks*
Sunday ..			
Monday ..			
Tuesday ..			
Wednesday ..			
Thursday ..			
Friday ..			
Saturday ..			

FORM No. 35

Analysis of visits, etc.	*Under the Act at time of first visit*	*Notunder the Act at the time of first visit*	*Found closed*	*Remarks*
Factories visited once ..				
Factories visited twice ..				
Factories visited thrice ..				
Factories visited more than thrice.				
Time (etc.) of visit ..				
During legal Working hours ..				
During Rest Intervals				
Before or after legal working hours.				
On Sundays or holidays ..				
For enquiring into accidents ..				
For special purpose ..				
Total ..				
Number of Factories visited (all classes).				
Number of visits paid (all classes).				

Prosecutions.

The prosecution against .....
occupied.....days.
Other work, if any.....days.

Date.....

Signature .....
Inspector of Factories.

FORM No. 36

(Prescribed under Rule 56-A)

REGISTER OF WATER SEALED GASHOLDERS.

Serial No. of the Gasholders	*Maker's name*	*Date of manufacture*	*Capacity*	*No. of lifts*	*Pressure thrown by holder when full of gas*	*Dates of inspection carried out as required under sub-Rules, 4 and 5 of Rule 56-A and by whom carried out*	*The method of inspection used*	*Date of painting etc.*	*Natures of repairs and name of persons carrying out repairs*	*Remarks*
1	2	3	4	5	6	7	8	9	10	11

Signature of Occupier/Manager.

Date.....

FORM No. 37

[Prescribed under Rule 56 (A) (8) (iii)]

Report of Examanation of Water-sealed Gasholder

1. Name of occupier of factory

2. Situation and address of factory .

3. Name, description, distinguishing number or letter and type of gasholder.

4. Name and address of the manufacturer

5. (*a*) No. of lifts .. ..
   (*b*) Maximum capacity in cu. meters (cub.ft.)
   (*c*) Pressure thrown by holder when full of gas.

6. Particulars of gas to be stored in the holder..

7. Particulars as to the condition of—
   (*a*) Crown .. ..
   (*b*) Side sheeting, including grips and cups..
   (*c*) Guiding MECHANISM (Roller carriages, rollers, pins, guide rails or ropes).
   (*d*) Tank .. .. ..
   (*e*) Other structure, if any (columns, framing and bracing)

8. Particulars as to the position of the lifts at the time of examination.

9. Particulars as to whether the tank and lifts were found sufficiently level for safe working and if not, as to the steps taken to remedy the defect.

10. Date of examination and by whom it was carried out.

11. Condition of vessel—
   (1) external .. ..
   (2) internal .. ..

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated the 31st May 1965.

G.S.R. 541.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules further to amend the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, namely :—

1. *Title.*—These Rules may be called the Mysore Civil Services (Classification, Control and Appeal) (Amendment) Rules, 1965.

2 *Amendment of rule* 9.—In the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, in sub-rule (2) of rule 9, for clause (b), the following clause shall be substituted, namely: —

"(*b*) (i) The Divisional Commissioners may impose on Tahaildars, any of the penalties specified in clauses (ii) and (iv) of rule 8 and the penalty of withholding of increments;

(ii) The Joint Development Commissioners may impose on Block Development Officers and Deputy Block Development Officers the penalty specified in clause (ii) of rule 8 and the penalty of withholding of increments;".

[No. GAD 46 SSR 65].

By Order and in the name of the Governor of Mysore,

K. S. N. Murthy, *Deputy Secy.*

FINANCE SECRETARIAT

NOTIFICATION.

Bangalore, dated 27th May 1965.

G. S. R. 542 .—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, 1963, namely,—

In the said Code, in Volume I,

Article 152 (P-92) shall be *substituted* by the following :

"152 : The due dates of despatch of the Cash Accounts and the Lists of Payments are noted below :—

9			
		For months other than March	*For March*
I	Class District Treasury	5th of the following month	8th of the following month.
II	Class and III Class District Treasuries.	4th of the following month	7th of the following month.

The classification of the District Treasuries for this purpose is determined by the Accountant General from time to time with reference to the volume of transactions conducted thereat."

[No. FD 17 RTC 63].

By Order and in the name of the Governor of Mysore,

76 N. S. BHARATH, *Deputy Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore, dated 28th May 1965.

G. S. R. 543.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following Rules to amend the Mysore Industries and Commerce Services (Recruitment) Rules, 1964, namely :—

1. **Title.**—These Rules may be called the Mysore Industries and Commerce Services Recruitment (Amendment) Rules, 1965.

2. **Amendment of the Schedule.**—In the Schedule to the Mysore Industries and Commerce Services (Recruitment) Rules, 1964, in the entries relating to the category of post of Information Officer, for the entry in column 3, the following entry shall be substituted, namely :—

"A second class degree with Journalism as one of the subjects, preference being shown to persons possessing a degree in Journalism or a post graduate diploma in Journalism.

Probation : one year."

[No. CI 109 MCI 63].

By Order and in the name of the Governor of Mysore,

77

K. PANDURANGA RAO, *Under Secy.*

Public Works Secretariat.

NOTIFICATION.

Bangalore, dated 31st May 1965.

G.S.R. 544.—The draft of the following rules to amend the Mysore State Electricity (Supply) Rules, 1957, which the Government of Mysore proposes to make in exercise of the powers conferred by section 78 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), is hereby published as required by sub-section (1) of section 78 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or after 1st July, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

Draft Rules

1. *Title*:—These rules may be called the Mysore State Electricity (Supply) (Amendment) Rules, 1965.

2. *Insertion of New Rule* 29*A*.—In the Mysore State Electricity (Supply) Rules, 1957 (hereinafter called the said rules), after rule 29, the following rule shall be inserted, namely:

"29 *A*. *Redemption of Stocks and Bonds*.—The Board shall set apart each year, out of the accumulations in the Depreciation Reserve, such percentage of the nominal value

of the stocks and bonds (inclusive of discount) as may be fixed by the Board each year, for the redemption of stocks and bonds issued by the Board."

3. *Amendment of Rule* 30.—In rule 30 of the said rules, sub-rule (2) shall be omitted.

[No. PWD 124 EEB 64].

By Order and in the name of the Governor of Mysore,

79 S. BALASUBRAMANYAN, *Under Secretary*

Public Health, Labour and Municipal Administration Secretariat

NOTIFICATION.

Bangalore, dated 2nd June 1965.

G.S.R. 545.—The following draft of the Mysore Municipalities Irrecoverable sums (Procedure for Write off) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by clause (f) of sub-section (2) of section 323 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 10th July 1965.

Any objection or suggestion which may be received from any person with respect to the said draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

Draft Mysore Municipalities Irrecoverable sums (procedure for write off) Rules, 1965.

1. Title.—These rules may be called the Mysore Municipalities Irrecoverable Sums (Procedure for Write off) Rules, 1965.

2. Definitions.—In these rules,—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'section' means a section of the Act.

3. Conditions for write off of taxes, etc.—No sum which is due to a municipal council on account of any tax or of

costs in recovering any tax or on any other account shall be written off as irrecoverable unless all measures for effecting its recovery have been taken in accordance with the provisions of the Act and such measures have proved ineffective.

4. **Statement of irrecoverable sums to be laid before the municipal council.**—(1) The Municipal Commissioner, or Chief Officer, as the case may be, shall prepare at the end of every quarter, a statement of the arrears of sums due to the municipal council on account of any tax, or of costs in recovering any tax or on any other account, and place it before the municipal council at its next meeting.

(2) The statement to be prepared under sub-rule (1) shall indicate the sum involved and also whether it is due (i) on account of any tax or (ii) on account of costs in recovering any tax (iii) or on any other account, and the period for which the sum is due. The measures adopted for effecting recovery and the reasons for non-recovery should also be clearly indicated in the statement.

5. **Maximum limits of sum to be written off.**—Subject to the provisions of rule 3, the municipal council may write off irrecoverable sums due in any case where the amount does not exceed rupees fifty and where the sum exceeds rupees fifty in any case, the previous sanction of the Commissioner shall be obtained before writing off the sum.

6. **Details of sums involved etc., to be given in minutes book.**—Where any sum due on account of any tax or of costs in recovering any tax or on any other account has been written off by the municipal council, full particulars regarding the nature of the sum due, that is, whether it is due (i) on account of any tax, or (ii) on account of costs in recovering any tax, or (iii) on any other account, and also the assessment number, the sum written off and the period to which it relates, shall be given in the minutes book of the municipal Council, the total amount written off in each case being indicated in words.

7. Remission of fee chargeable for distress.—(1) The municipal council may remit the whole or any part of any fee chargeable for distress where it is satisfied that,—

(*a*) sums due as tax or costs in recovering any tax or on any other account have been recovered or have been paid ; or

(*b*) the demand for the payment has been made against the wrong person ; or

(*c*) the demand has been made by mistake.

(2) The provisions of rules 5 and 6 shall *mutatis mutandis* apply to the remission of any fee chargeable for distress.

[No. PLM 2 MLR 65.]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 2nd June 1965.

G S. R.546.—The following draft of the Mysore Municipalities (Powers of Expenditure) Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 84, 289 (2) and 323 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), is hereby published as required by sub-section (1) of section 323 of the said Act for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 10th July 1965.

Any objection or suggestion which may be received from any person with respect to the said draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT

MYSORE MUNICIPALITIES (POWERS OF EXPENDITURE) RULES, 1965.

1. **Title.**—These rules may be called the Mysore Municipalities (Powers of Expenditure) Rules, 1965.

2. **Definitions.**—In these rules,—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'Schedule' means a schedule appended to these rules;

(*c*) 'section' means a section of the Act.

3. **Limits for incurring expenditure.**—A municipal council may incur expenditure on the items referred to in

column 2 of the schedule within the limits specified in column 3, or column 4, as the case may be, and where the expenditure exceeds such limits, the municipal council shall not incur expenditure without the previous sanction of the appropriate authority indicated in columns 5 and 6 of the schedule.

4. Expenditure to be incurred for supply of clothing to municipal employees.—A municipal council may incur expenditure within the budget provision for supply of clothing for municipal employees analogous to class IV officials of Government in accordance with rules in force for supply of uniforms to Government servants.

5. Expenditure not to be incurred without sanction for the scheme or the estimate.—A municipal council shall not incur any expenditure for laying foundation stones for the buildings or inauguration, opening ceremonies of institutions or buildings without sanction of the appropriate authority for the relative scheme or estimate having been obtained.

6. Prior sanction of Government to be obtained for excess expenditure in excess of the limits.—No expenditure in excess of the limits specified in column 6 of the schedule shall be incurred by a municipal council without obtaining prior sanction of Government.

SCHEDULE. (Rule 3).

Sl. No.		Power of Town Municipal Cl. to incur expenditure	Power of City Municipal Cl. to incur expenditure	Maximum limits of expenditure to be incurred by the Town Municipal Cl. with the previous sanction of the Deputy Commissioner.	Maximum limits of expenditure to be incurred by the Municipal Council with the previous sanction of the Commissioner.
1	2	3	4	5	6
1	Expenditure on creation of posts in permanent establishments or variation in the scale of pay of posts already existing.	Posts carrying a Salary (pay with allowances) or a scale the maximum of which does not exceed Rs. One hundred and fifty per month.	Posts carrying a Salary (pay with allowance) or a scale the maximum of which does not exceed Rs. two hundred and fifty per month.	Posts carrying a salary (pay with allowances) or a scale the maximum of which does not exceed Rs. two hundred and fifty per month.	Posts carrying a salary (pay with allowances) or a scale the maximum of which does not exceed Rs. four hundred per month.
2	Expenditure for the employment of temporary establishment for a period not exceeding one year on the whole subject to the condition that when the cost is to be met out of the closing balance the prescribed minimum balance shall be kept up.	Rupees two thousand.	Rupees four thousand.	Rupees five thousand.	Rupees ten thousand.
3	Expenditure for journeys performed outside the State but within India.	...	...	Rs. two hundred in each case.	Rupees five hundred in each case.
4	Expenditure to alleviate distress caused by accidental fire or floods.	Rs. two hundred and fifty in each case.	Rs. five hundred in each case.	Rs. five hundred in each case.	Rs. one thousand in each case.
5	Grants for Reading Rooms, Libraries, Educational and Medical institutions.	Rs. one hundred and twenty per annum in each case.	Lumpsum grants up to Rs. two hundred and fifty a year in each case and recurring grants up to Rs. fifty per month in each case.	Rs. one hundred and fifty per annum in each case.	Rs. three hundred per annum in each case.

1	2	3	4	5	6
6	Purchase of Stationery in excess of the expenditure which the Municipal council is allowed to incur under this head.	Rs. one hundred and fifty per annum.	Rs. two hundred and fifty per annum.	Rs. two hundred and fifty per annum.	Rs. five hundred per annum.
7	Expenditure in connection with the prevention and suppression of epidemics.	Rs. five hundred in each case.	Rs. one thousand in each case.	Rs. one thousand in each case.	Rs. two thousand in each case.
8	Contributions towards District, State or inter-State Conferences relating to Local Self-Government.	Rs. one hundred and fifty in each case.	Rs. two hundred and fifty in each case.	Rupees two hundred and fifty in each case.	Rs. five hundred in each case.
9	Contributions to conferences and movements whose objects include medical relief, education, improvement of sanitation and Public Safety and convenience.	Rs. one hundred a year in each case.	Rs. one hundred and fifty in each case.	Rs. one hundred and fifty a year in each case.	Rupees three hundred a year in each case.
10	Payment of rewards for detection of smuggled goods.	Rs. twenty-five in each case.	Rs. fifty in each case.	Rs. fifty in each case.	Rs. one hundred in each case.
11	Charges for printing in Private Presses.	Rs. two hundred and fifty.	Rs. five hundred.	Rs. five hundred.	Rs. One thousand.
12	Payment of rent for occupation of buildings for municipal purposes for short periods not exceeding one year on the whole.	Rs. fifty per month.	Rs. one hundred per month	Rs. one hundred per month.	Rs. one hundred and fity per month.
13	Expenditure for employment of conservancy carts for the removal of street rubbish or for carrying on any other *bona fide* work of the Municipality for a period not exceeding two years on the whole.	Rs. one hundred per month for each item of work.	Rs. one hundred per month for each item of work.	Rs. two hundred per month for each item of work	Rs. four hundred per month for each item of work.
14	Contributions to the Indian Red Cross Society, the Scout Movement and similar welfare or educational organisations.	Rs. one hundred per annum.	Rs. one hundred per annum.	Rs. two hundred per annum.	Rs. four hundred per annum.

1	2	3	4	5	6
15	Grant of Scholarships.	Rs. one hundred per annum in each case.	Rs. two hundred per annum in each case.	Rs. two hundred per annum in each case.	Rs. three hundred per annum in each case.
16	Law Charges.	Rs. two hundred and fifty in each case.	Rs. five hundred in each case.	Rs. five hundred in each case.	Rs. one thousand in each case.
17	Expenditure in connection with National Celebrations like Republic Day, Independence Day, Mahatma Gandhi's Birthday, and such other celebrations as may be notified by the State Government for this purpose.	Rs. one hundred in each case or Rs. two hundred and fifty per annum.	Rs. three hundred in each case or Rs. one thousand per annum.	Rs. five hundred per annum.	Rs. one thousand and five hundred per annum.
18	Contributions on exhibitions within municipal limits	Rs. three hundred per annum.	Rs. five hundred per annum.	Rs. five hundred per annum.	Rs. one thousand per annum.
19	Expenditure for receptions or for presentation of addresses provided that no expenditure be incurred for the entertaining of guests or for purchase of casket for the presentation of addresses.	Rs. fifty on each occasion or Rs. two hundred per annum on the whole.	Rs. fifty on each occasion or Rs. five hundred per annum on the whole.	Rs. seventy-five on each occasion or Rs. three hundred per annum on the whole.	Rs. seventy-five on each occasion or Rs. seven hundred per annum on the whole.

[No. PLM 12 MLR 65.]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secretary (Special)*.

NOTIFICATION.

Bangalore, dated, 2nd June 1965.

G. S. R. 547.—The following draft of the Mysore Municipalities (Furnishing of securities) Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by clause (d) of sub-section (2) of section 323 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 10th July 1965.

Any objection or suggestion which may be received from any person with respect to the draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT MYSORE MUNICIPALITIES (FURNISHING OF SECURITIES), RULES, 1965.

1. **Title.**—These rules may be called the Mysore Municipalities (Furnishing of securities) Rules, 1965.

2. **Definitions.**—In these rules, unless the contex otherwise requires :—

(a) "Act" means the Mysore Municipalities Act, 1964 ;

(b) " form " means a form appended to these rules ;

(c) "schedule" means a schedule appended to these rules ; and

(d) " section " means a section of the Act.

3. Security to be furnished.—Every cashier, store keeper, sub-storekeeper and any other municipal servant who is entrusted with the custody of municipal funds or stores shall be required to furnish security and to execute a security bond in form I setting forth the conditions under which the municipal council holds the security. The amount of security to be furnished by each such servant shall be that specified in the schedule.

4. Temporary or officiating appointments.—An officer or servant appointed in vacancies or posts the duration of which exceeds one month but does not exceed six months, may be permitted to furnish a lower security than that required to be fixed by the municipal council provided that such security shall in no case be less than half the full amount.

5. Relaxation in special cases.—The municipal council shall be competent to waive the security in the case of permanent or quasi permanent employees where the post is held for less than a month if it is satisfied that there is no risk involved.

6. Nature of security.—The Officer or servant required to furnish security may deposit the same in cash or in the form of Government securities or debentures or bonds of local bodies or other statutory bodies, or Government Savings deposits, or Government of India Savings Certificates or National Plan Bonds.

7. Offering sureties.—The officer or servant who is required to furnish securities shall deposit the whole amount of security within one month after the date of appointment:

Provided the municipal council may permit any officer or servant who is bound to furnish such security to bind himself by two responsible sureties residing within the State, for the whole amount and agreeing to deposit the same by monthly deductions from his pay at 10 per cent of his pay. The surety bond shall be in form II ; the sureties offered in this behalf shall be persons other than those who are municipal employees or members of the employees' family.

8. Charges towards payment of stamp duty.—All charges towards payment of stamp duty for execution of security bonds shall be borne by the officer or servant furnishing the security.

9. Responsibilities of appointing authority.—The Municipal Commissioner or Chief Officer shall be responsible for obtaining security from persons required to furnish the same and at the close of each calendar year he shall verify that the sureties are alive and solvent and wherever it is necessary call for a fresh security; in the case of sureties residing outside the municipality he shall obtain the information about the solvency of such surety from the Tahsildar of the taluk or the Municipal Commissioner or Chief Officer of the Municipality in which he is residing.

10. Changes in sureties to be intimated.—Every officer or servant bound to furnish security under these rules shall forthwith give intimation to the Municipal Commissioner or Chief Officer as the case may be of the death of any of his sureties to enable taking of fresh security.

11. Result of failure to give security.—Any officer or servant failing to furnish security required by these rules for more than one month after he has been called upon to do so, shall be liable to forfeit his appointment.

12. Refund of security deposit.—The security deposit furnished by a municipal officer or servant shall be refunded as early as practicable after a period of six months from the date of his relinquishing the charge of the post; provided the superior officer of the officer or servant is satisfied and certifies to the effect that no loss has been caused to the municipal council during the period the officer or servant held the post.

SCHEDULE

(See Rule 3)

Sl. No.	*Post held*	*Amount of security (in rupees)*	
		City Ml. Cl.	*Town Ml. Cl.*
1	Octroi Superintendent ...	One thousand ...	Five hundred
2	Octroi Inspector ...	Five hundred ...	Two hundred and fifty
3	Head Accountant (Treasury Section) ...	Five hundred ...	Two hundred and fifty
4	Shroff (Treasury section) ...	Five hundred ...	Two hundred and fifty
5	Store Keeper (P. W. Branch)	Five hundred ...	Two hundred and fifty
6	Revenue/Tax Inspector ...	Two hundred ...	One hundred
7	Market Sergeant ...	Two hundred ...	One hundred
8	Clerks dealing in cash or with stores in revenue, octroi, health, water or other sections. ...	Two hundred ...	One hundred
9	Gollar (Treasury section) ...	Two hundred ...	One hundred
10	Bill Collectors (Property tax)...	Two hundred ...	One hundred
11	Bus stand sergeant ...	Two hundred ...	One hundred
12	Drivers and Mechanics ...	Two hundred ...	One hundred
13	Collection Mutsaddis/Nakadars	One hundred ...	Fifty
14	Avenue Inspectors ..	One hundred ...	Fifty
15	Octroi Manager ...	One hundred ...	Fifty
16	Octroi Peon ...	One hundred ...	Fifty
17	Pound Keeper ...	One hundred ...	Fifty
18	Assistant Market Sergeant ...	One hundred ...	Fifty
19	Toll gate Peons ...	One hundred ...	Fifty
20	Any other servant entrusted with monetary transaction or handling of stores. ...	One hundred ...	Fifty

[No. PLM 17 MLR 65.]

By Order and, in the name of the Governor of Mysore,

74 B. VENKATARAMIA, *Dy. Secy.*

FORM I.

(*See* Rule 3.)

FORM OF SECURITY BOND TO BE FURNISHED BY MUNICIPAL SERVANTS.

Security bond by s..... .... when .....is deposited as ..... security. Know all Men by these presents that I..... ..... of..... am held and firmly bound unto the Municipal Council (hereinafter called the Municipal Council) in the sum of Rs.....to be paid to the Municipal Commissioner/Chief Officer (hereinafter called the Municipal Commissioner/Chief Officer) their successors or assigns or their certain attorney or attorneys for which payment well and truly to be made I bind myself, my heirs, executors, administrators and legal representatives jointly and severally firmly by these presents.

Sealed with my seal dated this .. ... day of 19.... .....and I the said.... .... do hereby for myself/my heirs/executors, administrators and legal representatives covenant with the Municipal Commissioner/ Chief Officer, his successors in office and assigns that if any suit shall be brought touching the subject matter of this obligation or the condition hereunder written in any Court.

WHEREAS the above bounden..... .. .was on the day of.....19..... ..appointed to and now holds and exercises the office of.....at .....And Whereas by virtue of such office and said..... has amongst other duties, the care, charge and oversight of and responsibility for the safe proper storing and keeping in the place appointed for the custody thereof respectively of all money, specie, bullion, coin, jewels, currency or Bank notes, stamps and securities of whatever description, gold, silver, copper, nickel, bronze, lead, goods, stores, chattels or effects (hereinafter together only called the said property) stores and use at, received into or despatched from the... ..... of ..... or paid, deposited or brought into the said..... by any person or persons whomsoever and for any purpose or purposes whatsoever And Whereas the said..... as aforesaid is also responsible that the said property and

every part thereof are and is of full measure and good quality when received into the said ..... and until he has duly accounted therefor in manner hereinafter referred to And Whereas the said ..... is bound from time to time whenever called upon so to do to show to his superior officers that the said property and every part thereof save so much thereof as he has duly accounted for is at all times intact in the places aforesaid and is also bound to attend for the purpose of discharging his duties aforesaid at such time and places as his superior officer may appoint And Whereas the said ..... if further bound to keep true and faithfull accounts of the said property and of his dealings under written orders of his superior officers therewith respectively in the form and manner that may from time to time be prescribed under the authority of the Municipal Council and also to prepare and submit such returns and such accounts as he may from time to time be called upon to prepare and submit And Whereas the bulk of the said property remains as well in the care, charge and custody of the ..... for the time being at ..... as of the said but as between himself and the Municipal Council he the said ..... is alone responsible and answerable therefor and for every part thereof And Whereas the responsibility of the said for the said property and every part thereof does not cease until the same has been duly used under the written orders aforesaid and accounted for or been duly despatched from the said .....and delivered over to and a full and complete discharge therefor obtained from such persons and at such places as the ....(Officer) or other person exercising his functions for the time being under the sanction of the Municipal Council may direct And Whereas the said ..... in consideration of his said appointment has delivered to and deposited with .....as such ..... (Officer) as aforesaid .....to the extent of Rs ..... for the purpose in part securing and indemnifying, the Municipal Council, their successors and assigns against all loss and damage which they might or may in any way suffer by reason of the said property or any part or parts thereof being in any way consumed, wasted, embezzled, stolen, misspent, lost, misapplied or otherwise dishonestly, negligently or by through oversight or voilence made away or parted with by himself the said ..... or by any of the sub-treasurers/sub-storekeepers, servants, clerks,

cash-keepers, shroffs, coolies or other persons serving under him the said.....And Whereas the said ....hereby acknowledges that he is bound by all the conditions, rules and regulations of the Mysore Municipalities Act, 1964, and such Rules and Bye-laws and orders as may from time to time be issued by authority and may be in force and especially with reference to his relations and dealings with and the rights of his subordinates and his own subordination to his superior officers and that it is his duty to keep himself acquainted at all times with the contents of the Mysore Municipalities Act and such departmental rules and orders as aforesaid and all or any alterations made from time to time therein And Whereas the said ....has entered into the above bond in the penal sum of Rs..... conditioned for the due performance by him the said ..... of the duties of the said office aforesaid and of other duties appertaining thereto or which may lawfully be required of him and the indemnity of the Municipal Council their successors, assigns and servants against loss from or by reason of the acts or defaults of the said..... and of all and every the persons and person aforesaid.

Now the condition of the abovewritten bond is such that if the said .....has whilst he has held or exercised the duties of the said office of ..... as aforesaid always duly performed and fulfilled the said duties of the said office and other duties aforesaid and if he the said ..... shall whilst he shall hold or exercise the duties of the said office always duly perform and fulfil all and every the duties thereof aforesaid and perform and observe all and every conditions rules and regulations of the said Act and the said departmental rules and orders and further if the said .....do and shall indemnify and save harmless the Municipal council, their successors and assigns and all and every person or persons who from time to time has or have held or shall hold or exercise the said office of .....(officer) and all other servants of the Municipal Council from and against all and every loss and damage which during the time the said ..... has held executed and enjoyed the said office has happened or been sustained or shall or may at any time or times hereafter happen to be sustained by the Municipal Council their successors or assigns or the said..... .....(Officer) for the time being or any such servant as aforesaid by from or through the means of the neglect, failure, misconduct, disobedience, omission

or insolvency of the said..... ....or of any of the sub-treasuries sub-storekeepers, servants, clerks, cash-keepers, shroffs, coolies or other persons nominated, accepted by or serving under him the said ..... or by from or through the consuming, wasting, embezzling, stealing, misspending, losing, mis-applying or otherwise dishonestly or negligently or by or through oversight or voilence making away or parting with the said property or any part or parts thereof by any person or persons whomsoever whilst he, the said ..... had held or executed the duties of the said office or shall hold or execute the duties of the said office.

THEN this obligation shall be void and of no effect. Otherwise the same shall be and remain in full force and virtue.

PROVIDED ALWAYS and it is hereby declared and agreed by and between the parties hereto that the .....shall be and remain at the disposal of the, said ..... (Officer) for the time being or the Municipal Council as and for part and additional security (over and above the above-written bond) to the Municipal Council, their successors and assigns for the indemnity and other purposes aforesaid with full power to the Municipal Council, their successors or assigns or the servants of the Municipal Council duly authorised in that behalf from time to time as occasion shall require to apply the same together with any interest receivable or received in respect thereof in and towards the indemnity as aforesaid of the Municipal Council, their successors and assigns and the servants of the Municipal Council as the case may require.

AND it is hereby lastly agreed and declared by and between the parties hereto that in the event of the death of the said ....or the vacation by him said office of .....the abovementioned ..... shall be retained with the said .....(officer) for the time being for the term of six months after the date of such death or such vacation as the case may be as security against any loss or damage that may have been or may thereafter be incurred by the Municipal Council, their successors and assigns and the servants of the Municipal council and in respect of which the said and his heirs, executors administrators and legal representatives after his death is and are, or shall or may be liable to indemnify the Municipal Council, their successors and assigns and all such persons as aforesaid PROVIDED ALWAYS that the

return at any time of the said ....shall not be deemed to affect the right of the Municipal Council to take proceedings upon or under the said bond against the said .....in case any breach of the condition of the said bond shall be discovered after the return of the said cash but the responsibility of the said..... shall at the times continue and the Municipal Council shall be fully indemnified against all such loss or damage as aforesaid at any time.

Signed, sealed and delivered by the

abovenamed . .

in the presence of

FORM II

(See rule 7.

SECURITY BOND.

By this Bond we, Sri .... son of ..... (here enter designation) hereinafter called the Principal and Sri ...., son of..... ..(there enter Designation) residing at ..... and Sri .. .. son of ... .(Here enter Designation) residing at ..... hereinafter called the sureties are jointly and severally bound to the Municipal Council, hereinafter called the Municipal Council, in the sum of Rs..... to be paid to Municipal Council, for which payment to be made, we bind our selves and each of such in the whole, our and each of our heirs, executors or administrators, jointly and severally, by these present.

Whereas the above mentioned Principal has been appointed to the Office of . ..... and has been required to furnish cash security of Rs... .. ..to provide against loss caused to Municipal council through dishonesty, negligence or disregard of rules on his part and whereas he has been allowed to deposit the said sum by means of monthly deductions of ten per cent of his pay; which deduction he has separately authorised. Now the conditions of the abovewritten bond are as follows:—

1. If the said Principal shall, faithfully discharge his duties and no loss is caused to municipal council then the abovewritten bond shall be void. otherwise the same shall remain in full force and virtue.

2. Any indulgence shown to the Principal shall not exonerate the sureties.

Witness:

(Principal).

.....

(First surety)

2. ....

(Second surety)

ACCEPTED

On behalf of and under the direction of the Municipal Council

Name .. ..

Designation ... .

EDUCATION SECRETARIAT

NOTIFICATIONS

Bangalore, dated 29th-31st May 1965.

G. S. R. 548.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules, namely :—

1. **Title.**—These rules may be called the Mysore Absorption of Instructors and Assistant Instructors in Tailoring Rules, 1965.

2. **Absorption as Government servants.**—Notwithstanding anything contained in the Mysore State Civil Services (General Recruitment) Rules, 1958 and the orders fixing the general qualifications for Instructors and Assistant Instructors in Tailoring :

(i) the persons mentioned in column 2 of the Schedule who were holding the posts mentioned in the corresponding entry in column 3 shall, with effect from the date of this Order, be deemed to have been absorbed in the category of posts in the Mysore Education Department mentioned in the corresponding entry in column 4 thereof.

3. **Leave, pension and seniority of persons absorbed.**—The service rendered by the persons absorbed under rule 2 as Instructors and Assistant Instructors in Tailoring in the Artisan Training Institutes of the Department of Commerce and Industries shall, notwithstanding anything contained in any other rules, be taken into consideration for determining the leave and pension of such persons condoning the break in service. But for purposes of seniority their service only from the date of this order shall be taken into consideration :

Provided that the inter-*se* seniority of such persons shall be determined on the basis of the dates of their entry into service as Instructors and Assistant Instructors in the

Artisan Training Institutes of the Department of Commerce and Industry.

4. Application of other Rules.—The provisions contained in the Mysore Civil Services Rules, the Mysore Government Servants Conduct Rules, 1957 and all other Rules regulating the conditions of service of Government servants, made under the proviso to Article 309 of the Constitution which are applicable to other Government servants shall, in so far as they are not inconsistent with the provisions of these rules, be applicable to persons absorbed under these rules.

[No. ED 211 SES 63.]

By Order and in the name of the Governor of Mysore,

75 T. R. JAYARAMAN, *Secy.*

SCHEDULE

List of persons (retrenched from the Commerce and Industries Department) to be absorbed in the Education Department.

Sl. No.	Name of persons	Post held	Post in which absorbed
1	2	3	4
		I–Instructors	*Craft Teachers in Tailoring in Grade*
		Rs.	Rs.
Sriyuths—			
1	Azmat Ali ...	150–320	100-5-150-6-180-10-200
2	M. T. Narasappa ...	Do	Do
3	Gurumurthy ...	Do	Do
4	G. N. Bailkeri ...	Do	Do
5	A. R. Kodaganoor ...	Do	Do
6	R. B. Vispute ...	Do	Do
7	C. T. Hulmani ...	Do	Do
8	G. Ganesh Shenoy ...	Do	Do
9	B. Narayan ...	Do	Do
10	Mirza Abdul Ahmed Baig.	Do	Do
11	S. C. Yaduri ...	Do	Do
12	S. D. Murthy ...	Do	Do
13	G. Wandkar ...	Do	Do
14	H. S. Krishna Murthy ...	Do	Do
15	Khalandar Hussain ...	Do	Do
		II–Assistant Instructors.	
1	Mirzagulam Ahmed Baig.	90–150	80-3-110-4-130-5-150
2	Bajrangasingh ...	Do	Do
3	K. Achanna P. Setty ...	Do	Do
4	D. Puttaiah ...	Do	Do
5	G. M. Jantgal ...	Do	Do
6	A. A. Junagad ...	Do	Do
7	D. H. Kattimani ...	Do	Do
8	G. S. Navi ...	Do	Do
9	G. S. Alath ...	Do	Do
10	Gajanava Beerappa ...	Do	Do
11	D. P. Pavate ...	Do	Do
12	Smt. Alice Mercy ...	Do	Do
13	Kum. Sunanda ...	Do	Do
14	Smt. Zeenathunisa ...	Do	Do
15	Smt. Shamsunnisa ...	Do	Do
16	Laza Mannal Narooha	Do	Do
17	S. H. Shivaramaiah.	Do	Do
18	Smt. Jayamma ...	Do	Do
19	Chandrasekhar ...	Do	Do
20	K. Gurushanthappa.	Do	Do

Finance Secretariat

NOTIFICATION.

Bangalore, dated 27th May 1965.

G. S. R. 549.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Manual of Contingent Expenditure 1958, *viz.*,—

In the said Manual,

I. After the first paragraph of Rule 36 the following sub-paras shall be inserted :—

(i) when the advance to be drawn on an Abstract Contingent bill exceeds Rs. 500 the previous sanction of the Controlling Officer should be obtained and attached to the Bill.

(ii) Controlling Officers should ensure that no amounts are drawn from the Treasury unless required for immediate disbursement. The sanctions accorded by them under (i) above should be guided by this important requirement.

(iii) Drawal of sums in excess of, or without mature claims, is strictly prohibited.

(iv) If due to unforeseen causes, the advance, drawn cannot be disbursed within a day or two or disbursed fully within that period, the amount or the unspent part of it should be refunded to the Treasury forthwith.

(v) When the abstract in Part II of Form 2 shows that the Drawing Officer has some unspent balance of advance previously drawn the Treasury Officer should see that, that amount is deducted from the amount detailed in Part II, as a matter of course, and pass only the balance for encashment. Part II with the abstract should be filled up even when no advances are proposed to be drawn.

(vi) As a further precaution against persistent delays in the transmission of detailed contingent bills to the Controlling Officers, every officer who draws Abstract

Contingent Bills on a Treasury should enclose with his monthly salary bill a Certificate, in original, in the following form furnished by his Controlling Officer :

"I certify that (designation)

has furnished detailed contingent bill for all amounts on Government account drawn by him on Abstract Contingent Bills during the months prior to the current month.

I further certify that the detailed bill has been duly countersigned by me and forwarded to the Accountant General, Mysore, Bangalore, with my Memo.

No. dated

Dated : .....

Controlling Officer".

(vii) With a view to preventing delays on the part of the Officers including Controlling Officers to furnish detailed accounts in respect of advances drawn by them on A. C. Bills, all officers whose contingent bills do not require counter signature will be required to enclose a certificate in the following form given by the Accountant General with their salary bills for April, July, October and January :

"I Certify that (designation) has

furnished detailed accounts for all advances on Government account drawn by him on Abstract Contingent Bills upto the close of the quarter ending with the previous month.

Dated : .....

A. G., Mysore, Bangalore".

99

II. Substitute the words "within one month from the date of receipt of the bills in his office" for the words "not later than the 15th of the month following that to

Contingent Bills on a Treasury should enclose with his monthly salary bill a Certificate, in original, in the following form furnished by his Controlling Officer :

"I certify that (designation)

has furnished detailed contingent bill for all amounts on Government account drawn by him on Abstract Contingent Bills during the months prior to the current month.

I further certify that the detailed bill has been duly countersigned by me and forwarded to the Accountant General, Mysore, Bangalore, with my Memo.

No. dated

Dated : .....

Controlling Officer".

(vii) With a view to preventing delays on the part of the Officers including Controlling Officers to furnish detailed accounts in respect of advances drawn by them on A. C. Bills, all officers whose contingent bills do not require counter signature will be required to enclose a certificate in the following form given by the Accountant General with their salary bills for April, July, October and January :

"I Certify that (designation) has

furnished detailed accounts for all advances on Government account drawn by him on Abstract Contingent Bills upto the close of the quarter ending with the previous month.

Dated : .....

A. G., Mysore, Bangalore".

99

II. Substitute the words "within one month from the date of receipt of the bills in his office" for the words "not later than the 15th of the month following that to

which they relate" appearing in lines 15 and 16 of Rule 38 on page 20.

100

III. Substitute the enclosed Form as "Form-2" for the existing Form of 2 Manual of Contingent Expenditure.

101

[No. FD 21 RCE 62.]

By Order and in the name of the Governor of Mysore,

78

N. S. BHARATH, *Deputy Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

12. Are all fittings, appliances properly maintained and in a good condition, repairs, if any, required and period within which they should be executed and any other condition which the person making the examination thinks it necessary for safe working.

13. Other observations

I certify that on ..... the gasholder described above was thoroughly examined and such of the tests as were necessary made on the same day and that the above is a true report of my examination.

Signature .....

Qualification .....

Address .....

Date .....

If employed by a company or Association, give name and address.

.....

(iv) A copy of the report in Form 37 shall be kept in the register and both the Register and the report shall be readily available for inspection.

APPENDIX I

31 B 2 (*a*)

Apertures of natural ventilation

The formula for lateral apertures (windows and the like) for natural ventilation referred to in rule 31 are--

$$(1) \qquad A = \frac{F\left(1\sqrt{\frac{F}{100}}\right)}{10\left(1-\frac{L-B}{10}\right)}$$

$$(2) \qquad A = \frac{F\left(1\sqrt{\frac{F}{100}}\right)\left(\frac{L-B}{5B}\right)}{10}$$

L—The length of the room in feet.

B—The breadth of the room in feet.

F—The floor area in square feet.

A—The aggregate clear opening for the passage of air.

Formula (1) applies to rooms of ordinary shape or when the ventilation apertures are well distributed in rooms of any shape.

Formula (2) applies to elongated room ventilated at the end only.

For square rooms the figure resulting from formula (1) and (2) is the same.

[No. PLM 25 LFB 59.]

By Order and in the name of the Governor of Mysore,

V. Nanjaiah,
Under Secretary to Government,
Public Health, Labour and
Municipal Administration Department.

Prin by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore dated 27th January 1965.

G.S.R. 250.—The following draft of the Mysore Minor Minerals Concession Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 20th August 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the Government. Objections or suggestions (in duplicate) may be addressed to the Secretary to Government, Commerce and Industries Department, Vidhana Soudha, Bangalore–1.

CHAPTER I

General

1. Title, Extent and commencement.—(1) These rules may be called the Mysore Minor Mineral Concession Rules, 1965.

(2) They extend to the whole of the State of Mysore.

(3) They shall come into force on the date of their publication in the *Mysore Gazette*

2. Definitions :—(1) In these rules, unless the context otherwise requires,—

(*a*) 'Competent officer' means—

(i) in the case of lands in charge of the Forest Department, the Divisional Forest Officer, and the Sub-Divisional Forest Officer in charge of independent Sub-Division;

(ii) in the case of lands in charge of the Public Works Department, the Executive Engineer of the Division concerned; and

(iii) in the case of lands other than those referred to in clauses (i) and (ii), the Tahsildar of the Taluk concerned.

(*b*) 'Controlling Officer' means the Director of Mines and Geology in Mysore;

(*c*) 'Form' means a form appended to these rules;

(*d*) 'Government' means the Government of Mysore;

(*e*) 'Minor Mineral' means minor mineral as defined in clause (*e*) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957;

(*f*) 'Quarry' means any area declared as such by the Controlling Officer and set apart for quarrying any ordinary or building stones;

(*g*) 'Schedule' means a Schedule appended to these rules.

(2) Words and expressions used but not defined in these rules shall have meanings respectively assigned to them in the Mines and Minerals (Regulation and Development) Act, 1957.

CHAPTER II

Grant of Mining lease in respect of land in which minerals belong to Government:

3. Restrictions on grant of mining lease.—(1) No mining lease shall be granted to any person other than an Indian citizen except with the prior approval of Government.

(2) No mining lease shall be granted in respect of land notified by Government as reserved for use of Government or of any local authority or for any other public or special purpose.

(3) Quarries may, at the discretion of the Controlling Officer, be leased out by calling for tenders or by holding public auction.

4. Application for a mining lease.—Every application for a mining lease in respect of any land which belongs to Government shall be in Form 'A' and shall be made to the competent officer and shall contain the following particulars, namely :—

(*a*) (i) if the applicant is an individual, his name, nationality, profession and residential address; and

(ii) if the applicant is a Company, syndicate, partnership or private firm, its name, nature and place of business and place of registration or incorporation.

(*b*) A description illustrated by a map on a scale of one inch to a furlong or on such maps as are available with the Revenue and Settlement Officer or the Geological Survey of India showing as accurately as possible, the situation, boundaries and area of the land, in respect of which the mining lease is required :

Explanation.—The map referred to above shall give sufficient information to enable identification of the area in respect of which the concession is required.

(*c*) The minor mineral or minerals which the applicant intends to extract.

(*d*) The purpose for which the extracted minerals are to be used.

(*e*) The period for which the mining lease is required.

(*f*) Information as regards the area or areas and minor minerals within the State of Mysore in respect of

which the applicant or the person o nt in interest with him already holds a mining concession.

5. Security Deposit.—(i) Every application for a mining lease shall be accompanied by a minimum guaranteed amount of Rs. 500 which sum will be held as Security amount for the due fulfilment of the provisions of these rules and of the conditions of the lease and subject to any deduction in this respect, shall be returnable after the expiry of the period of the lease.

(2) If more than one application for a mining lease over the same area are received, preference shall be given to the applications in the order of date of receipt unless the Government for any special reason decides to the contrary.

6 Grant of Mining Lease :— (1) On receipt of an application under rule 4, the competent officer, on making such enquiries as he deems fit, may sanction the grant of mining lease to the applicant or refuse to sanction it. In either case, he shall forthwith intimate to the Controlling Officer the action taken by him.

(2) When a mining lease is granted under Sub-rule (i) the formal lease shall be executed within three months of the order sanctioning the lease or within such further period as the controlling officer may allow in this behalf and if no such lease is executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked.

(3) The Competent officer shall forward to the Controlling officer one copy of the mining lease as soon as the lease is executed.

7 Intimation of Refusal:—If the application for a Mining L ase is refused by the Competent Officer, he shall communicate the reasons for such refusal to the applicant concerned.

8 Refund of Security Deposit:—If the application for Mining Lease is refused by the competent officer or if the applicant refuses, to accept the lease on account of any special condition of which he has been informed, and the whole or any part of the amount deposited under sub-rule (1) of rule 5 has not been expended for the purposes of rule 9, it shall be refunded to the applicant.

9 Survey of the Area Granted:—When the mining lease is granted by the competent officer, arrangements shall be made at the expense of the Lessee for the survey and demarcation of the area granted under the Mining Lease.

10 Register of Applications:—A register of applications, for mining leases shall be maintained by the competent officer in From 'B'.

11 Register of Mining Leases:—A register of Mining Leases granted shall be maintained by the Competent officer in from 'C'.

12 Inspection of Registers:—The registers maintained by the Competent Officer under Rules 10 and 11 shall be open for inspection by any applicant for a mining ease or by any other person who satisfies the competent officer that he is interested in any mining lease.

13 Extent of Area to be granted under Mining Lease:—

(1) Except with the prior approval of the Controlling Officer, no mining lease shall be granted in case of minor minerals for an area exceeding 150 acres.

(2) No lessee by himself or with any person joint in interest with him shall hold in the aggregate more than three squire miles of area under lease in respect of one minor mineral or a group of minor mineral within the State of Mysore.

(3) The area to be granted under each mining lease shall form a compact block.

14 Boundaries below surface.—The boundaries of area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

15 Period of the Lease:—A mining lease may be granted for a period not exceeding five years. The lease may be renewed for one or more periods, the period of each renewal not exceeding the duration of the original lease.

16 Right of Lessee to surrender part of the area.—At the time of renewal of the lease, the lessee shall be entitled to surrender any part of the leased area.

17 Transfer of Mining Lease:—The lessee may, with the previous sanction of the Government and subject to the conditions specified in rule 13, and such other conditions as the Government may specify, transfer his lease or any, right, title or interest therein to any person.

18 Conditions of Mining Lease :—(1) Every Mining Lease shall be in Form 'D' and shall include the following conditions namely.—

(i) The Lessee shall pay royalty on minor minerals despatched from the leased area at the rates specified in Scheduled I at the end of every month, provided that such rates shall be liable to revised once in every two years.

(ii) The Lessee shall also pay for every year of the lease such yearly dead rent as may be fixed by Government :

Provided that the lessee shall be liable to pay in respect of each minor mineral dead rent or royalty whichever be higher in amount but not both ;

(iii) The lessee shall also pay for the surface area covered by the lease surface rent at one rupee per acre ;

(iv) Unless the competent officer for good cause permits otherwise the lessee shall commence mining operations within two months from the

date of execution of the lease and shall thereafter carry them on in a proper, skillfull and workmanlike manner ;

(v) The lessee shall, at the his own expense, recet and at all times maintain and keep in good repair boundary marks and pillers necessary to indicate the boundaries of the area leased to him;

(iv) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the competent Officer and shall not win or dispose of such minor mineral without obtaining the lease therefore ;

(vii) The lessee shall abide by such reasonable instructions and directions as may be issued by Government from time to time regarding the conservation and development of minor minerals ;

(viii) The lessee shall abide by the provisions of any law for the time being in force relating to working of minerals and matters affecting safety, health and covenience of the lessee's employees or of the public;

(ix) The lessee shall not carry on or allow to be carried on any mining operations within a distance of 200 feet if no blasting is involved, and 200 yards if blasting is involved from the boundary of any railway line, reservoir, tank-bund, canal, or other public works or any public road, any building, except with the written premission of the Railway Authorities or other Competent Authority concerned ; and the lessee shall also abide by such conditions as the Competent Officer may impose in carrying on mining operations in the vicinity of the aforesaid buildings or places ;

(x) The lessee shall keep correct accounts showing the quantity and other particulars of all minor

minerals obtained and despatched from the leased area and the number of persons employed therein and also complete plans of the workings and shall furnish to the Competent Officer such information, reports and returns as the Controlling Officer may require from time to time ;

(xi) The lessee shall allow any officer authorised by the Competent Officer or by the Controlling Officer to enter upon any building, excavation or land comprised in his lease for the purposes of inspecting the same or for inspecting any of his accounts, plans and records which he shall make available to such Officer. Such Officer may issue such reasonable directions as he may deem fit to prevent wasteful extraction of minerals and it shall be the duty of the lessee to carry out such directions within such periods as the officer may specify. If the lessee fails to carry out the directions within the specified period, the Controlling Officer may determine the lease or may impose a penalty not exceeding twice the amount of the annual dead rent ;

(xii) The lessee shall send to the Competent Officer, the Controlling Officer, the District Magistrate of the district in which the leased area is situated and the local Police Officers, without delay, a report of any accident involving the death of or injury to any person, which may occur in or about the leased area ;

(xiii) The lease shall be liable for cancellation if the lessee ceases to work the leased area for a continuous period of *six months*, unless previous permission, in writing, of the Competent Officer or the Controlling Officer has been obtained for such a cessation ;

(xiv) The lessee may, with the permission of the Competent Officer, erect on the leased area any building required in connection with the mining purposes and shall keep such building in good order ;

(xv) The lessee shall not cut or injure any tree in the leased area included in a Reserved Forest, or Revenue and Public Works Department lands, without the permission of the Divisional Forest Officer, Tahsildar of the Taluk and the Executive Engineer of the Division, as the case may be, and the lessee shall be liable to pay the Forest or the Department concerned such compensation as the Divisional Forest Officer, Tahsildar or Executive Engineer may fix, for such cutting or injuring of trees in the leased area ;

(xvi) The lessee shall not enter upon and commence mining operations on any occupied or private land or lands comprised in the mining lease or prospecting licence granted for major minerals except with the sanction in writing, of the occupant, owner, lessee or licensee thereof;

(xvii) In case of breach by the lessee or his transferee ro assignee of any of the conditions specified in clause (i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x), (xii), (xiv) (xv) and (xvi) the Competent Officer shall give notice in writing to the lessee asking him to remedy the breach within thirty days from the date of notice and if the breach is not remedied within such period the Competent Officer may determine the lease. Such determination shall be subject to confirmation by the Controlling Officer.

(2) A mining lease may contain such other conditions as the Competent Officer may deem necessary and subject to approval of the Controlling Officer in regard to the following, namely :—

(i) the time limit, mode and place of payment of rents and royalties ;

(ii) the Compensation for damage to the land covered by the lease ;

(iii) the felling of trees ;

(iv) the Restriction of surface operations in any area prohibited by any authority ;

(v) the notice by lessee for surface occupation ;

(vi) the facilities to be given by the lessee for working other minerals in the leased area or adjacent areas ;

(vii) the entering and working in a reserved or protected forest ;

(viii) the Securing pits and shafts ;

(ix) the indemnity to Government against claims of third parties ;

(x) the delivery of possession of lands and mines on the surrender, expiration or determination of the lease ;

(xi) the power to take possession of plant, machinery, premises and mines in the event of war or emergency.

3 A mining lease may contain any other special conditions which the Competent Officer may specify subject to the approval of Government.

19. Recovery of amount due to Government :—If the dead rent, royalty, or surface rent or any other amount payable by the lessee is not paid within three months next after the date fixed in the lease for its paymnent, it shall be competent to issue a Certificate for the recovery of the amount due in accordance with the provisions of section 25 of the Act.

20. Minerals left on the block after the termination of the lease :—Any minor mineral extracted from the quarry and not removed by the lessee before the date of termination of the lease shall be the property of the Government.

21. Right of pre-emption :—Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted:

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

22. Restriction determination of lease :—The lessee shall not determine the lease except after notice in writing of not less than six calendar months to the Competent Officer.

23. Unauthorised mining and removal of minor mineral :—(1) No person shall carry on any mining operation or otherwise remove any minor mineral without obtaining a mining lease under these rules.

(2) whoever contravenes the provision of sub-rule (1) shall on conviction be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER III

GRANT OF MINING LEASE IN RESPECT OF LANDS IN WHICH MINOR MINERALS BELONG TO PRIVATE PERSONS

24. Application :—(1) The provisions of this Chapter shall apply to mining leases granted by private persons.
(2) No mining lease or any right, title or interest therein shall be granted or obtained in respect of lands in which any minor mineral belongs to a private person except in accordance with the provisions of this chapter.

25. Restrictions on grant of Mining Lease by Private persons :—A mining lease granted by a private person shall be subject to the provisions prescribed in Rule 3 and 15, and shall be subject to the following conditions ;

(*a*) the provision of clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiv), (xv), (xvi), and (xvii of sub rule (i) of rule 18 shall apply to such lease with the modification that in clauses (ii) for the word "Government"

and in clauses (iv), (vi) and (xviii), for the words "Competent Officer," the word "lessor" shall be substituted ;

(*b*) the lessee may determine the lease at any time by giving not less than six Calendar months notice in writing to the lessor ;

(*c*) the lease may contain such other conditions not being inconsistent with the provisions of the Act and these rules as may be agreed upon between the parties.

26. Submission of copy of lease :—Every person obtaining a mining lease from a private person shall, within two months of the grant of such lease, submit a certified copy of the lease to every competent officer in whose jurisdiction the areas covered by such lease are situated ;

27. Communication of transfer or assignment :—Every "Transferee or Assignee" of a mining lease granted under rule 25 or of any right title or interest therein shall within one month of such transfer or assignment inform the Competent Officer within whose jurisdiction the area is situated, of the transfer or assignment and also of the terms and conditions of such transfer or assignment.

28. Prohibition of premium :—No person granting or transfering the mining lease or any right, title or interest in any such lease shall charge any premium in addition to or in lieu of the surface rent, dead rent or royalty specified in such lease or such proportionate part of such fee, rent or royalty as is payable in respect of such right, title or interest transferred.

29. Annual returns and statements :—Every private person granting a mining lease shall furnish annually to the Controlling Officer such returns and statements within such period as the Controlling Officer may direct.

30. Penalty for granting' transferring or obtaining mining lease in contravention of these rules :—If any person grants, obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of this Chapter or

accepts any premium in contravention of rule 28 he shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to one thousand Rupees or with both.

31. Penalty for failure to furnish returns, etc :—If the holder of a mining lease or his transferee or assignee fails without sufficient cause to furnish the documents or information or returns as specified in clause (x) of sub-rule (1) of Rule 18 or rule 26 or 27 or refuses entry or inspection by any officer authorised by Government or the Competent Officer or the Controlling Officer under clause (xi) of sub-rule (1), of Rule 18, he shall be on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER IV

GRANT OF MINING PERMITS IN RESPECT OF LANDS IN WHICH MINERALS BELONG TO GOVERNMENT.

32. Grant of Mining Permits :—On an application made to him, the Competent Officer may grant a mining permit to any person to extract and remove from any specified land within his jurisdiction any minor mineral not exceeding in quantity 25,000 Cu. ft. under any one licence, on payment to the Competent Officer of royalty calculated at the rates specified in Schedule I and also on payment of such land revenue and cesses as may be assessable on the lands :

Provided that the Competent Officer may for reasons to be recorded in writing refuse to grant such permit.

33. Application for mining permit :—(1) An application for a mining permit shall contain the following particulars :

(i) Name, address and occupation of the applicant ;

(ii) Name of the minor mineral to be extracted and removed ;

(iii) Quantity of the minor minerai for which the permit is required;

(iv) Deseription of the land from which the minor mineral is to be extracted and removed; and

(v) Purpose for which the minor mineral is to be used.

34. Consent of occupant or owner :—Every application for a mining permit shall, if the lands from which the minor mineral is to be extracted, are occupied or private lands, be accompanied by a letter from the occupant or the owner of such lands to the effect that he has no objection to the extraction of the mineral by the applicant.

35. Conditions of mining permit :—

1 (*a*) Every mining permit granted under rule 32 shall contain a c ondition that the depth of the pit below the surface shall not exceed 20 ft ;

(*b*) The Mining permit granted under rule 32 may contain such other conditions as the Officer granting the Licence may deem necessary in regard to the following matters :—

(i) the time limit, mode and place of payment of land revenue and cess and royalties ;

(ii) the compensation for damage to the land covered by the Licence ;

(iii) the felling of trees ;

(iv) the restrictions of surface operations in any area prohibited by any authority ;

(v) the entering and working in any reserved or protected forest ;

(vi) the reporting of accidents ;

(vii) the indemnity to Government against claims of third parties ;

(viii) the period within which the minor mineral shall be extracted and removed and delivery of possession over lands

on the expiry of such period or on the removal of the quantity minor mineral for which the Licence is valid, whichever is earlier;

(ix) the forfeiture of property left after cancellation of the permit.

2. In case of breach of any of the conditions subject to which the permit is granted, the competent officer may cancel the permit. On cancellation of the permit, the minor minerals lying on the land from which they are extracted shall become the Property of the Government.

CHAPTER V

RYOTWARI LANDS AND OTHER LANDS ON INTERMEDIARY TENURE IN WHICH GOVERNMENT HAVE CLAIM ONLY TO A SHARE OF THE MINERAL.

36. Application :—The provisions of this Chapter shall apply to ryotwari lands and other lands on intermediary tenure and in the Bellary District, South Kanara District and Kollegal Taluk of the Mysore District in which Government have claim only for a share of the mineral.

37. Mining by the owner :—A registered holder may remove any minor mineral on a small scale for his own use for a specific *bona fide* domestic or agricultural purpose provided that he has no intention of continuing mining operations indefinitely and provided further that the land is not in any way rendered less fit for cultivation than before.

38. Rates of Royalty :—The removal of any mineral on a large scale or for other than *bona fide* domestic or agricultural purposes shall be subject to the payment of royalty at the rates prescribed in Schedule I to these rules :

Provided that this rule shall not apply to mining for Government or on behalf of the Government or for *bona fide* public purposes when the compensation paid to the registered holder therefor does not exceed the amount required to restore the land to a state fit for cultivation.

39. Procedure for Mining in ryotwari lands:—In the cases referred to in rule 38, the registered holder or the tenant or lessee in actual possession of the land or the contractor who obtains the permission of the registered holder or tenant or the lessee for mining in the land shall give previous notice to the Tahsildar or the Deputy Tahsildar concerned, specifying the minerals in respect of which and the field in which mining operations are proposed to be undertaken. The Tahsildar or the Deputy Tahsildar concerned will himself issue Licences for mining in cases where the royalty if levied, would not exceed Rs. 25. In cases where the fee exceeds Rs. 25, he should submit the notice to the Deputy Commissioner and inform the party accordingly. A map or a sketch of the area should also be submitted by the registered holder if one is called for by the Tahsildar or Deputy Tahsildar concerned or the Deputy Commissioner, as the case may be. In default of submission of such a map or sketch, the Tahsildar or the Deputy Tahsildar or the Deputy Commissioner shall have one prepared under his orders and the cost thereof shall be payable by the registered holder concerned.

40. Powers of the Deputy Commissioner:—On receipt of the notice referred to in rule 39 the Deputy Commissioner may at his discretion apply the provisions of rule 42 to the mining operations proposed.

41. Penalty for unauthorised mining in ryotwari lands:—
1) Whenever mining operations are done without giving notice as required by Rule 39, the registered holder, the persons (tenants or lessees) in actual possession of the land and the contractor shall be jointly and severally liable to pay enhanced royalty or acreage assessment up to a maximum of five times of the normal rate.

Explanation:—**1.** The question whether mining operations are carried on, on a large scale within the meaning of this rule shall be determined by the Deputy Commissioner of the district according to the circumstances thereof.

Explanation:—**2.** For purposes of this rules "registered holder" includes a mulgeniidar or walawargdar in the South Kanara district.

(2) Nothing in this rule shall affect in any way the right, which all holders of lands held on ryotwari tenure posses, of digging wells in their lands and of disposing of the gravel and stones which may be thrown up in the course of excavation.

42. Conditions to be accepted and security to be deposited for mining in private lands —On receipt of the notice under rule 39, the Deputy Commissioner, may, if he sees no valid objection, allow operations to be commenced on the registered holder executing an agreement in the form set out in Form 'E' binding himself to accept the conditions and stipulations set out in rules 43 to 54 and on his depositing as security such sum as the Deputy Commissioner may consider sufficient to cover either the probable cost of restoring to a state fit for cultivation the land on which mining operations have been carried on or which has been used for deposit of mining waste, or the probable cost of fencing or filling in the abandoned pits and excavations therein, together with thirty times the assessment of the area likely to be rendered uncultivable in the event of the registered holder failing to carry out such restoration or fencing or filling in when called upon to do so. He may also require the registered holder to fill in the abandoned pits and excavations in cases where he considers it less expensive than fencing or where the existence of pits and excavations will endanger public health or be detrimental to drainages or irrigation channels. But no such permission shall be granted except with the previous sanction of the Government if the minerals are to be worked by or on behalf of any person who is not a citizen of India The amount of deposit shall not ordinarily exceed Rs. 1,000, provided that it shall not be less than the probable cost of restoring the land to a state fit for cultivation or the probable cost of fencing or filling in abandoned pits and excavations therein, together with thirty times the assessment of the area likely to be rendered uncultivable.

43. Registered holder and lessee held responsible for working mine properly:—In all cases, the registered holder, and in cases where the lands are leased out the registered holder and the lessee shall be jointly and severally responsible for working the mine in a proper manner and shall also be directly liable for any wrongful act or default.

44. Royalty and acreage assessment:—In respect of minor minerals removed by mining operations from any land royalty or acreage assessment shall be payable subject to to the maximum rates shown in Schedule I to these rules. The Deputy Commissioner shall decide whether royalty or acreage assessment shall be levied; but in the case of clay for bricks and tiles, acreage assessment shall be charged.

45. Inspection and mines:—The registered holder or the lessee shall allow any officer authorised by the Controlling Officer or the Deputy Commissioner of the district in that behalf to enter upon the land over which mining operations are carried on for the purose of inspecting the same.

46. Accidents and discovery of other minerals to be reported:—The registered holder or the lessee shall, without delay, send to the Deputy Commissioner a report of any accident which may occur at or on the said land and also the discovery thereon of any mineral other than the mineral or minerals specified in the notice given by him under rule 39. He shall also report to the Deputy Commissioner the discovery of any major mineral or minerals.

47. Restriction on assignment, etc.—The registered holder shall not assign, lease or part with the possession of his lands or any part thereof for the whole or any part of his term without previous intimation to the Deputy Commissioner in writing.

48. Powers of Deputy Commissioner.—The Deputy Commissioner may require the registered holder on relinquishment by him of the whole or part of the land used by him for mining operations or for the deposit of mining

waste or on the expiry or sooner determination of the agreement, to restore the land so used to a state fit for cultivation or securely and permanently fence in abandoned pits and excavations therein, in cases in which he considers such restoration or fencing necessary. In default thereof, the Deputy Commissioner, at his option, may carry out such work and deduct the costs thereof out of the security deposited by the lessee. If, however, the deposit be found insufficient to meet these deductions, it shall be lawful for the Deputy Commissioner to recover the balance by suit in a Civil Court. Where restoration of the land is not insisted on, thirty times the assessment of the land so rendered uncultivable shall be deducted from the security deposit and credited to the Government.

49. Lands rendered unfit for cultivation not eligible for remission.—No remission of assessment shall be granted in respect of any land rendered unfit for surface cultivation by the carrying on of mining operations unless thirty times the assessment thereon has already been deducted under rule 48.

50. Arrears how recoverable.—The arrears of royalty, assessment or any other sum payable to Government on account of minor minerals removed from lands to which this Chapter is applicable shall on a certificate issued by the Deputy Commissioner be recovered in accordance with the provisions of Section 25 of the Act.

51. Settlement of Questions or Disputes regarding agreement.—(1) If any question or dispute arises regarding an agreement executed in pursuance of the provisions of this Chapter, or any matter or thing connected therewith or the powers of the registered holders thereunder, the amount or payment of the royalty or acreage assessment made payable thereby, the matter in issue shall be decided by the Controlling Officer.

(2) Any registered holder or lessee aggrieved by the decision of the Controlling Officer, may within thirty days from the date of communication of the decision of the Controlling officer, appeal to the Government.

52. Penalty for Breach of Rules.—The royalty or the acreage assessment shall be liable to be enhanced or the agreement determined in case of breach of any of the rules of this Chapter. If the land is seriously damaged by mining, the Deputy Commissioner shall be competent to impose enhanced rates of royalty or acreage assessment, as the case may be, such enhanced rates being proportionate to the damage caused to the land, subject to a maximum of five times the normal rates.

53. Leasing out of mining rights.—If the registered holder does not intend to carry on mining operations himself but leases out the right to do so to another person, the registered holder and his lessee shall enter into an agreement with the Government binding themselves jointly and severally to accept the conditions and stipulations set out in rules 43 to 52. The agreement shall be Form 'F'.

CHAPTER VI

GRANT OF MINING LEASES BY CALLING FOR TENDERS OR BY HOLDING PUBLIC AUCTION.

54. Discretion of the Controlling Officer in leasing out the quarries.—(1) The Controlling Officer may at his discretion lease out the quarries by calling for tenders, in which case the lease amount shall include all payments to the Government including the royalty.

(2) The Competent Officer or any other Officer authorised by the Controlling Officer in this behalf may dispose of the quarry by public auction and such auction shall be subject to confirmation by the Controlling Officer.

55. Disposal of Mining Leases by Tender or by Public auction to be notified in Gazette.—When a quarry is to be disposed off by calling for tenders or by public auction the Controllig Officer or the Competent Officer or any other Officer authorised by him shall publish a notice in the

Mysore Gazette, and also in such local newspapers or in such other manner as he may consider necessary, furnishing the following particulars.

(*a*) the situation and area of the quarry;

(*b*) the minimum amount below which no tender or bid will be accepted;

(*c*) the period of lease;

(*d*) whether the quarry will be leased by tender or by auction;

(*e*) the rate at which royalty shall be payable;

(*f*) (i) the date, time and place for the receipt and scrutiny of tenders and the name of the Officer to whom tenders should be addressed; or

(ii) the date, time and place fixed for the auction, the name of the Officer holding the auction; the percentage of the bid amount which should be deposited by the bidder at the auction and the time for the payment of the balance of the bid amount; and

(*g*) such other conditions regarding the tender or auction as may be necessary.

56. Security for the Lease Amount.—(1) No tender or bid shall be accepted unless the tenderer or bidder deposits to the extent of lease amount security consisting of.—

(*a*) (i) Casb;

(ii) Government securities;

(iii) First mortgages immovable property of the said value in favour of the Controlling Officer.

(*b*) Deposits as earnest money such amount as may be determined by the Controlling Officer not exceeding Rs. 200.

Explanation.—The amount deposited as earnest money shall be refunded if the quarry lease is not sanctioned. If the lease is sanctioned it

will be credited to the account of the successful tenderer or the bidder.

(2) No person who is in arrears of Government dues towards any mining lease or mining permit granted to him previously by Government, shall be entitled to submit a tender or bid in auction unless he has cleared all the dues referred to.

57. Powers of the Controlling Officer to dispose of tender or auction b.d:—The Controlling Officer shall have the right to accept or reject any tender or bid not being the highest tender or bid, without assigning any reason therefor;

Provided that in cases where he accepts a lower tender or lower bid or in any case where the tender or the bid amount exceeds Rs. 5,000 the same will be subject to confirmation by Government.

58. Method of payment of tender or bid amount:—

(1) In the case of mining leases granted for a year or less, the tenderer or the bidder shall pay 25 percent of the amount or bid on the date of acceptance of the tender or confirmation of the bid by the Controlling Officer, another 25 percent of the amount within 30 days from the date of acceptance of the tender or confirmation of the bid, and the balance within 60 days of such acceptance of the tender or confirmation of the bid.

(2) In the case of mining leases granted for more than one year, 25 per cent of the tendered amount or bid amount shall be payable within two weeks from the date of notice by the Controlling Officer accepting the tender or confirming the bid or before the date of execution of the lease whichever is earlier, and the balance shall be payable by the lessee in equal quarterly instalments at the beginning of each quarter on or before such dates as may be fixed by the Controlling Officer.

59. Penalty for default to pay the tender or bid amount:—

If the lessee makes default in the payment of any money due from him within the period stipulated or refuses

or neglects to execute the lease within the period allowed for the purpose, all sums paid by him by way of deposit or otherwise shall be forfeited to Government and the quarry shall be reauctioned or otherwise disposed of and any loss incurred by Government by such re-auction or disposal including the costs for such re-auction shall be recoverable from the lessee under section 25 of the Act. But he shall not be entitled to the excess amount, if any, realised by such re-auction or disposal.

CHAPTER VII

MISCELLANEOUS

Rule 60: Appeals:—

(1) Any person aggrieved by an order of—

(i) the competent officer refusing to grant a mining lease or a mining permit or cancelling a mining lease or mining permit after it is granted under these Rules;

(ii) the Controlling Officer determining or cancelling the mining lease or mining permit,

may, within thirty days from the date of communication of such order, appeal to the Controlling Officer or the Government, as the case may be:

Provided that any such appeal may be entertained after the said period of one month if the appellant satisfies the Controlling Authority or the Government, as the case may be, that he had sufficient cause for not preferring the appeal within the said period."

(2) On receipt of an appeal under sub-rule (1) the appellate authority shall call for the records of the case, and after giving a reasonable opportunity to the appellant to be heard, pass such orders thereon as it may deem just and proper.

61. Restrictions on removal of minor minerals :—Not withstanding anything contained in these rules—

(i) no person shall remove sand from the bed of rivers, channels and canals within 200 feet of bridges, culverts or causeways on National Highways, State Fund Roads and Taluk Board Roads;

(ii) no person shall remove sand from minor tanks for a distance of 200 feet from the downstream of the bund;

(iii) no person shall do tapping work in the case of major works for a distance of one furlong from the downstream of the bund.

62. Powers of Entry and Inspection :—The Controlling Officer or any officer authorised by him shall have power to:

(*a*) enter and inspect any mining lease or prospecting license block;

(*b*) survey and take measurements in any such workings;

(*c*) weigh, measure or take measurements of the stocks of the minor minerals lying at any mine or prospecting blocks;

(*d*) examine any document book, register, or record in the possession or power of any person having the control of, or connected with, any mining lease or prospecting license blocks and place marks of identification thereon and take extracts from or make copies of such document, book, register or record;

(*e*) order the production of any such document, book, register, record, as is referred to in clause (d); and

(f) examine any person having the control of, or connected with, any mine or license block.

63. Mode of payment of Mining Revenue :—The royalty, surface rent and security deposit payable under these rules

shall be credited to the different heads specified hereunder, namely :—

(*a*) Royalty or Dead Rent—

under XXI Miscellaneous Departments–(e) Miscellaneous A. Mining Revenue–2. Royalty on Other Minerals.

(*b*) Security Deposit–' Revenue Deposit '.

(*c*) Surface Rent—

under XXI Miscellaneous Departments–e, Miscellaneous A. Mining Revenue–3 Rent on mining and other prospecting lands.

64. Power to rectify apparent mistakes :—Any clerical or arithmetical mistake in any order passed by the Competent Officer, Controlling Officer, Deputy Commissioner, Governmet or any other authority or Officer under these rules and any error arising therein from accidental slip or omission, may, within two years from the date of the order, be corrected by the authority or officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

65. Application of these rules for renewal :—Where a mining lease or any other right for mining a minor mineral or minerals has been granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to such renewal as they apply in relation to the renewal of a mining lease granted after such commencement.

66. Relaxation of rules in special cases :—In cases where the Government is of the opinion that public interest so requires, it may authorise the grant of a mining lease or a mining permit on such terms and conditions other than those prescribed in these rules, as the Government may by order specify.

67. Repeal :—On the commencement of these rules the Bombay Minor Mineral Extraction Rules, 1955, as in force in the Bombay area, the Madras Minor Mineral Concession Rules, 1956, and other rules in force in any area of the State regulating the mining or prospecting of minor minerals or shall cease to be in force except as regards things done or omitted to be done before such commencement.

68. Savings :—Nothing in these rules shall affect the provisions of rules 67, 68, 69, 70 and 77 of the Bombay Land Revenue Rules, 1921, as in force in the Bombay Area and the corresponding provisions in force in the other areas of the State.

FORM 'A'

Application Form for a Mining Lease for Minor Mineral

(*See* Rule 4)

To

Dear Sir,

I/We hereby beg to apply for Mining lease for a period of..... years and give below the necessary particulars as required under the Rules Regulating the working of Minor Minerals :

1. Name of the applicant :—
   (*a*) Profession
   (*b*) Residence
   (*c*) Permanent address

2. Description of the area applied for :—
   (*a*) Situation and boundaries
   (*b*) Land Survey Nos.
   (*c*) Name of Village, Taluk and District
   (*d*) Area

3. Name of Mineral to be quarried

4. Purpose for which it is used

5. Enclosures :—
   (*a*) A copy of the village map or map of not less scale than the village map showing the description of the area applied for ; and
   (*b*) A certificate of solvency signed by the Tahsildar or Magistrate of the Taluka in which the applicant is residing

I/We declare that above particulars are correct and requests that a quarry lease may kindly be granted.

Yours faithfully,

Dated :

(*Signature of the applicant*).

FORM 'B'

Register of Applications.

(*See* Rule 10)

Sl. No.	Date of Application	Name of Applicant	Particulars of Application	Amount paid		Treasury Receipt		Forfeiture	
				Fee	Deposit	Name of Treasury	No. Date	Amount	Order No. and Date
1	2	3	4	5		6		7	8

FORM 'C'

Register of Mining Leases for Minor Minerals.

(*See* Rule 11)

Sl. No.	Name of applicant and address	Date of application	Situation and boundaries of the land applied for with its extent	Name of the mineral for which the quarry lease is granted	Date of grant of the lease	Period for which the lease is granted or renewed	Amount of quarrying fee	Amount of Royalty	Amount of Security Deposit	Particulars of disposal-refund of security Deposit	Date of transfer of the lease, if any and the name of the transferee
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM 'D'

Mining Lease

(*See* Rule 18)

This Indenture made the.....between the Governor of Mysore (hereinafter called the "Government") of the one part and .....(hereinafter called the "Lessee(s)" which expression shall be taken to mean and include the said..... his/their heir(s) executor(s), representative(s) and assign(s), except where the context requires another or different meaning) of other part.

2. Whereas the Lessee(s) has/have in accordance with the Mysore Minor Minerals Concession Rules, 1965, applied for a mining lease for ..... and has/have deposited a sum of Rs.....as security for the due fulfilment of the covenants and agreements on the Lessee(s) part hereinafter contained and which deposit shall be forfeited on any failure thereof, the Government have agreed to grant a mining lease hereinafter contained in respect of the piece of land(s) delineated in the map or plan annexed and situated near.....in .....area..... Taluka.....District, and more particularly mentioned and described in Schedule "A" hereto annexed and which piece(s) of land(s) is/are hereinafter called "The mining lease block".

3. Now this Indenture witnesseth that in consideration of the royalties, rents and other payments hereinafter reserved and in consideration of and subject to the conditions, covenants and agreements hereinafter contained, the Government do hereby demises and grants unto the lessee(s) exclusive lease and liberty to enter, occupy, and use for mining purposes and to raise, render marketable, carry away, sell and dispose of.....within or under or upon the land(s) specified in this lease and for the period named therein.

4. To have and to hold the premises herein before expressed to be hereby demised and granted unto the Lessee(s) for the term..... from the date of these presents.

5. The Lessee(s) shall pay to the Government a royalty of..... .....per 100 Cu.ft of.....removed.

6. The Lessee(s) shall pay annually the land assessment, if any, on the area(s) taken up under the lease.

7. The Lessee(s) shall pay to the.....or/into the nearest Taluk Treasury or Government Treasury any such sums payable to the Government under the terms of the Lease.

8. The Lessee(s) shall wherever necessary pay to the person concerned compensation for any loss or injury which may be caused by the Lessee(s) to the surface of the demised land(s) or to anything growing or situated thereon in exereise of the rights granted and shall not commence operations until such compensation has been paid. If during the course of the mining operations or for any other reason tree growth standing in the leased area is injured, damaged or felled, all such material shall be collected by the lessee(s) and handed over to the Controlling Officer duly stacked in the manner and at the places in the leased area as directed by him. The Lessee(s) shall further always keep the Government indemnified against any claim made by any third party for any loss or injury caused to his/their person or property by the Lessee(s).

9. The Lessee(s) shall if required by the.....erect and maintain at his/their own expense boundary pillars of substantial material standing not less than three feet above the surface of the ground at each corner or angle of the area(s) leased to him/them, as delineated in the plan attached to the lease.

10. The Lessee(s) shall commence mining operations within two months from the date of the sanction of the lease, and shall thereafter carry on such operations effectually in a proper skillful and workmanlike manner both as regards prevention of waste by removal of sufficient overburden, careful storage of waste, drainage and removal of all valuable mineral within the mining area, and shall not work it in such manner as may prove dangerous to human life or cattle and shall if so directed by the..... .....cause the said quarry or any part thereof to be securely fenced to the satisfaction of the.....

11. The Lessee(s) shall keep strict and accurate accounts showing the quantity or other particulars of all minerals obtained from the mining area and the number of persons employed therein and also complete plans of the Mining and shall allow the.....or any Officer authorised by the..... .....to inspect the mining area and to examine such accounts and plans, and shall also furnish the..... with such information and returns at the end of every quarter in the form prescribed for the purpose.

12. The Lessee(s) shall not assign, sublet or transfer the lease or any part of the area(s) demised in the lease without the consent in writing of the.....for the purpose first had and obtained.

13. The Lessee(s) shall obey all existing rules with regard to reporting of accidents and any other rules which may be framed from time to time in that behalf.

14. The Lessee(s) shall not cut or injure any tree reserved in the lease without the sanction of the Divisional Forest Officer concerned.

15. If in the course of the operation under the lease any mineral not specified in the lease is discovered, the lessee(s) shall at once report such discovery to the..... .....

16. Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted.

17. The Lessee(s) may give notice in writing at any time to the .....that he/they will surrender the lease on the expiration of six months from the date of the notice after which period no fresh liabilities will accrue against the Lessee(s) in respect of his/their lease.

18. The Lessee (s) shall surrender his/their lease if he/they cease to work the mine for a continuous period of six months without the sanction of the.....previously obtained.

19. If the Lessee (s) shall have duly observed all the conditions of his/their lease, and gives/give six months previous notice in writing to the.... ..... for the renewal of the lease the..... may renew the lease for a further period on such conditions as he thinks fit.

20. The Government may determine the lease and take possession of all the premises of the leased area (s) if any lease money is more than three months in arrears or in case of any breach on the part of the Lessee (s) of any covenant or condition contained in the Lease.

21. The Government may determine the lease if considered desirable from the point of Government interest after giving the lessee (s) 12 calendar months notice in writing.

In witness whereof the..... .....Government of Mysore, acting for and on behalf of the Government, and the Lessee (s) has/have hereunto and to duplicate hereof, set their respective hands and seals the day and year above written.
Signed, sealed and delivered by the
abovenamed in the presence of.

Lessee (s).....

Signed, sealed and delivered by the
abovenamed in the presence of.

FORM 'E'

(*See* rule 42)

Form of Agreement for Quarrying and carrying away Minerals from Lands Held on Ryotwari Tenure and other Lands on Intermediary Tenure in Which Government have claim to a share of the Minerals.

AGREEMENT MADE THIS..... day of .....between .....of (hereinafter called "THE REGISTERED HOLDER', which term shall be taken to mean and include in these presents where the context so admits includes.....also his heirs, executors, administrators, legal representatives and assigns) of the one part and the Governor of Mysore (hereinafter called "THE GOVERNMENT" which term shall where the context admits include also his successors in office and assigns) of the other part.

WHEREAS the registered ryotwari holder holds amongst others) the lands described in the schedule hereunder written (hereinafter referred to as the said lands).

AND WHEREAS the registered holder has given notice to the Deputy Commissioner of the District of.....(Herein after called ' The DEPUTY COMMISSIONER') of the intention of the registered holder to carry on mining operations for (here enter the Mineral).....in the said lands and to deposit mining waste in the said lands and has lodged with the Deputy Commissioner on accurate map or sketch of the said lands.

AND WHEREAS The Deputy Commissioner acting for and on behalf of the Government have agreed to allow the registered holder to commence mining operations for.....on the said lands and to deposit mining waste thereon upon the registered holder entering into sueh an agreement as is hereinafter contained.

AND WHEREAS the registered holder has deposited with the Deputy Commissioner, the sum of Rs.....as security against any loss or damage which may be incurred by the Government by reason of any of the said lands being rendered unfit for cultivation by any mining operations therein of the registered holder or by the deposit of mining waste thereon by the registered holder.

NOW THESE PRESENTS WITNESS and the registered holder doth hereby agree with the Government in manner following that is to say :—

1. The registered holder shall be at liberty at all times during the period of the lease to carry on mining operations for.....in the said lands in a proper and workman like manner and to deposit mining

waste on the said lands and shall at all times be answerable and accountable to the Government for all acts and defaults by any of his nominees, servants or agents in carrying on such operations or in making such deposit.

2. The registered holder shall and will on the.....day of..... next and on the.....day of very succeeding year during so long as he shall have carried on any such mining operations as aforesaid pay to the Deputy Commissioner and on behalf of the Government in addition to the land assessment for the time being payable in respect of the said lands, royalty on the minor minerals at the rate specified in Schedule I.

3. The registered holder shall and will keep correct accounts in such form as the Deputy Commissioner shall from time to time require and direct showing the quantities and other particulars of all minerals obtained by the registered holder from the said lands and also the number of persons employed in carrying on the said mining operations therein and shall from time to time when so directed by the Deputy Commissioner prepar and maintain complete and correct plans of all Mines and working in the said lands and shall allow any officer thereunto authorised by the Director of Mines and Geology in Mysore, Bangalore, from time to time and at any time to examine such account and any such plans and shall when so required supply and furnish all such information and returns regarding all or any of the matters aforesaid as the Government shall, from time to time, require and direct.

4. The registered holder shall and will at all times allow any officer authorised by the Director of Mines and Geology in Mysore, Bangalore in that behalf to enter upon any part of the said lands where any mining operatios may be carried on for the purpose of inspecting the same.

5. The registered holder shall forthwith send to the Deputy Commissioner a report of any accident which may occur at or in the said lands and also of the discovery therein of any mineral other than ....(here enter the mineral already specfied in the notice given by the registered holder).

6. It shall be lawful for the registered holder at any time to cease mining operations under these presents provided he shall pay to the Deputy Commissioner for and on behalf of the Government land assessment, cess and royalty due to the Government and shall restore the said lands or fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner and upon his so doing these presents shall cease and determine.

7. In case the registered holder shall relinquish the whole or any part of the siad lands or in case of the expiry of sooner determination of this agreement then and in any such case, he shall restore the lands so relinquished or so much thereof as the Deputy Commissioner shall require to be restored to a state fit for cultivation or shall secnrely and

permanently fence or fill in all such abandoned pits and excavations therein as the Deputy Commissioner shall require to be so fenced or filled in, and in case the registered holder shall fail or neglect to restore any such lands which he shall be required to so fence or fill in then and in any such case, it shall be lawful for the Deputy Commissioner to so restore any such pit or excavation at the expense of the registered holder and to apply the said sum of Rs. so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation. If, however, the amount of deposit is not sufficient to cover the cost of such restoration or fencing or filling in or to meet thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Government to recover the balance by suit in a Civil Court.

8. The registered holder shall not be entitled to any remission of assessment in reepect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on any mining operations or by the deposit of mining waste, unless thirty times the assessment thereon has already been deducted under the preceding clause.

9. The registered holder shall not assign, lease or part with the possession of the said lands or any part thereof for the whole or any of the said term without previous intimation in writing to the Deputy Commissioner.

10. If the registered holder does not intend to carry on mining operations himself, but intends to lease out the right to do so to another person the registered holder and his lessee shall enter into an agreement with Government binding themselves jointly and severally to accept the conditions and stipulations here in contained.

11. All land assessment, cess and royalty payable under these presents shall be recoverable under Section 25 of the Mines and Minerals (Regulation and Development) Act, 1957 as if they were arrears of land revenue.

12. In the event of any breach by the registered holder of any of the conditions of these presents, it shall be lawful *for the Government* to to levy enhanced royalty or *for the Deputy Commissioner* to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand concelled but without prejudice to any rights which the Government may have against the registered holder in respect of any antecedent claim or breach of covenant or condition.

13. Any notice to be given to the registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

14. In case any question, difference or dispute shall arise regarding or touching these presents or any matter or thing thereon contained or connected herewith or touching the rights or powers of the registered holder under these presents or the amount of payment of any land assessment, cess and seigniorage made payable under these presents then and in any such case such question difference or dispute shall be referred to the Director of Mines and Geology in Mysore for the time being of Mysore. In case, the registered holder/registered holders and lessee/lessees is/are not satisfied with the decision of the Director of Mines and Geology in Mysore, Bangalore, the matter shall be referred to Government whose decision therein shall be final and conclusive and binding upon the parties thereto.

SCHEDULE

(Here enter description of the lands as given in the notice to the Deputy Commissioner.)

IN WITNESS whereof the registered holder and for and on behalf of and by the order and direction of the Governor of Mysore.

In the presence of

1.

2.

Have hereunto set their hands the day month and year first above written.

FORM 'F'

[*See* Rule 53]

Form of Joint Agreement for Mining by lessees in lands held on ryotwari tenure and other lands on intermediary tenure in which the Government have claim to a share of the minerals.

This Agreement made the.....day of.....19..... between at....., son of.....residing at.....(hereinafter called the lessee which expression where the context so admits, shall include his heirs executors administrators legal representatives and assigns) of the first part and..... .....residing at.....(hereinafter called the lessee which expression where the context so admits shall include his heirs, executors, administrators, legal representatives and assigns) of the second part and the Governor of Mysore (hereinafter called the Government which expression where the context so admits shall include his successors in office and assigns) of the third part.

Whereas the registered holder holds the lands described in the schedule hereto and is entitled to carry on by himself or by others mining operations in the said lands according to the rules from time to time issued by the Government.

And whereas mining operations in the said lands cannot be carried on under the said rules without the approval of the Deputy Commissioner for the time being of district in the Mysore State.

And whereas the registered holder has granted or is about to grant a lease of the mining rights in the lands described in the schedule hereto the lessee.

And whereas the registered holder has given notice to the said Deputy Commissioner of his intention to carry on mining operation for.....(here enter mineral) and of the said lease or intended lease to the lessee of the lands described in the schedule hereto and to deposit mining waste in the said lands and has lodged with the said Deputy Commissioner the lease and an accurate map or sketch of the said lands.

And whereas the Deputy Commissioner is prepared to allow the said registered holder or lessee to commence mining operations and to deposit mining waste in or on the said lands described in the schedule for a term of years from day of.....19.....upon the registered holder and the lessee entering into the agreement herein contained.

And whereas the registered holder has deposited with the Deputy Commissioner, the sum of Rs.....as security for the due performance of the covenants, agreements and provisos or damage which may be incurred by the Government by reason of any of the said lands described in the schedule hereto being rendered unfit for cultivation by the mining operations therein or by the deposit of mining waste thereon by either the registered holder or the lessee.

And whereas the lessee has at the request of the registered holder and in consideration of such approval by the Deputy Commissioner of the mining operations as herein before recited agreed to join in these presents for the purpose of entering into the covenants, agreement and provisos hereinafter contained as surety for the registered holder.

Now these presents witness and the registered holder and the lessee do hereby jointly and severally and each of them doth individually hereby covenant and agree with the Government as follows :—

1. To carry on mining operations during the said term in a proper and workmanlike manner and to deposit mining waste on the lands described in the schedule hereto and to answer and to account at all reasonable times to the Government for all acts and defaults committed by any servants, agents or workmen employed by the registered holder or lessee in carrying on such operations or in making such deposit.

2. To pay on the.....day of.....19.....next and on the.....day of.....of every succeeding year so long as the operations aforesaid are carried on into the Treasury/ State Bank of India at to the credit of the Government in addition to the land assessment for the time being payable in respect of the said lands royalty on the minerals mined at the rates prescribed by the Government from time to time.

3. To abide by the rules prescribed by the Government from time to time regarding mining of minor minerals.

4. To keep correct accounts in such form as the Deputy Commissioner shall from time to time require and direct showing the quantities and other particulars of all minerals obtained by the registered holder or the lessee from the said lands and also the number of persons employed in carrying on the said mining operations therein and to prepare and maintain from time to time when so directed by the said Deputy Commissioner complete and correct plans of all mines and working in the said lands and to allow any officer thereunto authorised by the Director of Mines and Geology in Mysore from time to time and at all times to examine such accounts and any such plans and to supply and furnish when so required all such information and returns regarding all or any of the matters aforesaid as the Government may from time to time require and direct.

5. To allow any officer authorised by the Director of Mines and Geology in Mysore in that behalf from time to time and at all times to enter upon any part of the said lands where mining operations may be carried on for the purpose of inspecting the same.

6. To forthwith send to the Deputy Commissioner a report of any accident which may occur at or in the said lands and also of the discovery therein of any minerals other than.....(here enter the minerals already specified in the notice given by the registered holder).

7. Not to claim any remission of assessment in respect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on of any mining operations or by the deposit of mining waste unless thirty times of the assessment thereon has been deducted under proviso (2) hereunder.

Provided always and it is hereby further agreed by and between the parties as follows :

(1) That it shall be lawful for the registered holder or lessee as the case may be at any time to cease mining operations under these presents provided the registered holder or lessee shall pay to the Government or the Deputy Commissioner the land assessment, cess and royalty payable by the registered holder or the lessee under these presents up to the end of the year in which the registered holder or the lessee shall cease such mining operations and shall restore the said lands fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner as next hereinafter provided and upon the registered holder or the lessee so doing these present shall cease and determine.

(2) That it shall be lawful for the registered holder or lessee, as the case may be, at any time to mining operations under these presents provided the registered holder or lessee shall pay to the Government or the Deputy Commissioner the land assessment, cess and royalty payable by the registered holder or the lessee under these presents up to the end of the year in which the registered holder or the lessee shall cease such mining operations and shall restore the said lands fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner as next hereinafter provided and upon the registered holder or the lessee so doing these presents shall cease and determine.

(3) That in case the registered holder shall relinquish the whole or part of the said land or in case of the expiry or sooner determination of this agreement then and in any such case, the registered holder in the case of relinquishment and the registered holder and the lessee in other cases shall restore the said lands or the part relinquished or so much thereof as the Deputy Commissioner shall require to be restored to a state fit for cultivation and shall securely and permanently fence or fill

in all abandoned pits and excavation therein as the Deputy Commissioner shall require to be so fenced or filled in and in case the registered holder or the lessee shall fail or neglect to restore any such lands which the registered holder or the lessee shall be required to a state fit for cultivation or to so fence or fill in any such abandoned excavation which the registered holder or the lessee shall be required to so fence or fill in then and in any such case it shall be lawful for the Deputy Commissioner to so restore any such lands or as the case may be so fence or fill in any pit or excavation at the expense of the registered holder or lessee and to apply the said sum of Rs.....so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation.

If, however, the amount of the deposit is not sufficient to cover the cost of such restoration or fencing or filling as the case may be or to meet thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Government to recover the balance by suit in a Civil Court.

3. That all land assessments, cess and royalty payable under these presents shall be recoverable under section 25 of the Mines and Minerals (Regulation and Development) Act, 1957, as if the same were arrear of land revenue.

4. That in the event of any breach by the registered holder of any of the conditions of these presents, it shall be lawful for the Government to levy enhanced royalty subject to the maximum of five times the normal rate or for the Deputy Commissioner to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand cancelled but without prejudice to any rights which the Government may have against the registered holder in respect of any antecedent claim or breach of covenant or condition.

5. That any notice to be given to the registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

6. That in case any question, difference or dispute shall arise regarding or touching these presents or any matter or thing therein contained or connected therewith or touching the construction of any of the clauses or the rights or power of the registered holder or lessee or the Government under these presents or the amount or payment of any royalty or rent or any other sum whatever made payable under these presents then and in any such case such question, difference or dispute

shall be referred to the Director of Mines and Geology in Mysore, Bangalore for the time being of Mysore. In case the registered holder/ registered holders and the lessee/lessees is/are not satisfied with the decision of the Director of Mines and Geology in Mysore, Bangalore, the matter shall be referred to Government whose decision thereon shall be final and binding upon the parties thereto.

SCHEDULE

(Here enter description of lands as given in the notice to the Deputy Commissioner)

In witness whereof..... .....the registered holder and.....lessee and for and on behalf and by the order and direction of the Government of Mysore have hereunto set their hands the day, month and year first above written.

In the presence of:—

1.

2.

3.

SCHEDULE I

Rates of Royalty

(See Rule 1 and 44)

Sl. No.	Name/s of Mineral/s	Rate of Royalty
1	2	3
	(Note:—	(a) in places with a population exceedin 25,000. (b) in all other places)
1	Building Stone Size Stone Slab, etc.	(a) Rs. 2-00 per 100 C. Ft. (b) Rs. 1-50 p. per 100 C. Ft.
2	Boulders	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-25 p. per cart load or $\frac{1}{2}$ tonne
3	Shingle	do
4	Gravel	(a) 0-19 p. per cart load or $\frac{1}{2}$ tonne (b) 0-12 p. per cart load or $\frac{1}{2}$ tonne

1	2	3
5	Lime shell	Rs. 2-50 p. per 100 C. Ft.
6	Lime Kankar	(a) 0-37 p. per cart load or $\frac{1}{2}$ tonne (b) 0-25 p. per cart load or $\frac{1}{2}$ tonne
7	Murrum	(a) 0-25 p. per cart load or $\frac{1}{2}$ tonne (b) 0-19 p. per cart load or $\frac{1}{2}$ tonne
8	Brick-earth	(a) Rs. 1-00 per 1000 bricks or 25 p. per cart load ($\frac{1}{2}$ tonne) (b) 0-75 p. per 1000 bricks or 0-19 p. per cart load ($\frac{1}{2}$ tonne)
9	Fuller's earth	(a) Rs. 30-00 per tonne (b) Rs. 25-00 per tonne
10	Bentonite	(a) do (b) do
11	Ordinary clay	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne for Village Pottary. (b) 0-75 p. per cart load or $\frac{1}{2}$ tonne for manufacturing tiles.
12	Road Metal or Ballast	Rs. 2-12 p. per 100 C. Ft.
13	Ordinary sand	(a) 0-12 p. per cart load or $\frac{1}{2}$ tonne (b) 0-06 p. per cart load $\frac{1}{2}$ tonne
14	Red Matti or coloured Matties	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-37 p. per cart load or $\frac{1}{2}$ tonne
15	Ornamental Stones : Coloured granites and Special types of grey granites. Porphyrics, filsites, darkcoloured dykes and amphibolitis.	Rs. 3-00 per cart load or $\frac{1}{2}$ tonne
16	Challedony, Quartzite stone or flint (pebbles and Nodules)	(a) Rs. 1-50 per cart load or $\frac{1}{2}$ tonne (b) Rs. 1-00 per cart load or $\frac{1}{2}$ tonne
17	Slate and Shales	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-37 p. per cart load or $\frac{1}{2}$ tonne

[No. C I 210 GEO 57]

By Order and in the name of the Governor of Mysore,

K. SESHADRI IYENGAR,
Under Secretary to Government,
Commerce and Industries Department.

LAW SECRETARIAT.

NOTIFICATION

Bangalore, dated the 4th June 1965.

G.S.R.251.—The accompanying list of General Statutory Rules issued by the State Government under Mysore Acts and Central Acts during the months of January, February and March 1965, is hereby published for general information.

[No. LAW 2 LMP 65.]

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government, L.D.

LIST OF GENERAL STATUTORY RULES PUBLISHED DURING THE MONTH OF JANUARY 1965.

A

I. The Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962.)

G.S.R. 363, dated the 20th January 1965.—Publishes the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Rules, 1964.

C

II. Constitution of India.

(1) *G.S.R. 364, dated the 28th-30th December 1964.*—Mysore Horticultural Department Class III Posts (Age for Recruitment) Rules, 1964.

(2) *G.S.R. 366, dated the 2nd January 1964.*— Amends the Mysore Civil Service (General Recruitment) Rules, 1957.

(3) *G.S.R. 368, dated the 21st December 1964.*— Amends the Mysore Government Servants' (Medical Attendance) Rules, 1963.

(4) *G.S.R.* 369, *dated the* 18*th December*, 1964.— Amends the Mysore Treasury Code, 1963.

(5) *G.S.R.* 370, *dated the* 28*th December* 1964.— Further amends the Mysore Civil Service Rules.

(6) *G.S.R.* 358, *dated the 22nd December* 1964.— Further amends the Mysore Financial Code, 1958.

E

III. Indian Electricity Rules, 1957.

G.S.R. 372, *dated the 8th January* 1965.—Amends the Rules and Conditions for the grant of licenses to Electrical contractors, certificates of competency and permits to Electrical Supervisors and permits to Wiremen.

H

IV. Mysore Homeopathic Practitioners Act, 1961.

(1) *G.S.R.* 361, *dated the* 20*th January* 1965.—The Mysore Homeopathic Practitioners Registration Rules, 1964.

(2) *G.S.R.* 362, *dated the* 20*th January* 1965.—The Mysore Board of Homeopathic System of Medicine and Court of Examiners (Election) Rules, 1964.

L

V. Mysore Land Improvement Act, 1961.

G.S.R. 359, *dated the 7th January* 1965.—Draft amendments to the Mysore Land Improvement Rules, 1962.

M

VI. Mysore Municipalities Act, 1964.

G.S.R. 360, *dated the* 23*rd January* 1965.—Draft Mysore Municipalities (Election of Councillors) Rules, 1965.

P

VII. The Mysore Prohibition Act, 1961.

(1) *G.S.R.* 371, *dated the 23rd December* 1964.—Draft Mysore Prohibition (Issue of Tourists' Permits) (Amendment) Rules, 1964.

VIII. The Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1964.

G.S.R. 367, *dated the 7th January* 1965.—Amends the Mysore Public Service Commission (Services of Local Authority) (Functions) Rules, 1963.

T

IX The Mysore Town and Country Planning Act, 1961.

G.S.R. 359, *dated the 8th January* 1965.—Draft Mysore Planning Authority Rules, 1965.

LIST OF GENERAL STATUTROY RULES PUBLISHED IN FEBRUARY, 1965.

B

I The Mysore Bhoodan Yagna Act, 1963.

G. S. R. 383.—Draft of the Mysore Bhoodan Yagna Rules, 1965.

C

II The Cinematograph Act, 1952.

G. S. R. 375.—Amendment of the Coorg Cinematograph Rules, 1953.

III The Mysore Compulsory Primary Education Act, 1961 (9 of 1961).

G. S. R. 391.—Draft amendments to the Mysore Compulsory Primary Education Rules, 1961.

IV The Constitution of India—Article 187.

G. S. R. 402.—Amendment of the rule made in Notification No. LAW 28 LGR 63, dated 13th September 1964.

Article 283:

G. S. R. 384.—Further amendments to the Mysore Financial Code, 1958 (New Appendix VI).

Article 299:

G. S. R. 408.—Further amendment of Notification No. LAW 61 LGN 61, dated 6th December 1961, authorising certain officers to execute contracts.

Article 309:

(*a*) *G. S. R.* 377.—Further amendments to the Mysore Civil Service Rules (Rule 29 B).

(*b*) *G. S. R.* 386.—Further amendment to Mysore Civil Service Rules (Rule 45).

(*c*) *G. S. R.* 387 .—Further amendments to Mysore Civil Service Rules (Rule 556).

(*d*) *G. S. R.* 309 .—Further amendment to the Mysore Medical Department Service (Recruitment) Rules, 1960 (Entry relating to Nurses).

(*e*) The Mysore Public Works Engineering Department Service (R) (Amendment) Rules, 1964.

(*f*) *G. S. R.* 394 & 396 .—Further amendment of the Mysore Government Servants (Medical Attendance) Rules, 1963 (Rule 23) and (Rule 10).

(*g*) *G. S. R.* 395.—Further amendments to the Mysore C. C. A. Rules, 1957.

(Schedules II and III).

(*h*) *G. S. R.* 397.—The Mysore Recruitment of Assistant Commandants Special Rules, 1964.

(*i*) *G. S. R* 398 —The Mysore Excise Department Services (R) (Amendment) Rules, 1965.

(*j*) *G. S. R.* 399.—Amendment of the notification sanctioning the establishment of the State Service Cadres in respect of the Mysore Excise Service.

(*k*) *G. S. R.* 410.—Sanctions the establishment of the State Service Cadre in respect of the Mysore Forensic and Laboratory Service.

(*l*) *G. S. R.* 410 A.—The Mysore General Service (Forensic Scientific Laboratory) (Recruitment) Rules, 1964.

(*m*) *G. S. R.* 411.—Further amendment of Mysore Civil Service Rules (War Service).

(*n*) *G. S. R.* 412.—The Mysore General Service (Treasury Branch) (Recruitment) Amendment Rules, 1965.

(*o*) *G. S. R.* 413.—The Mysore Legislature Secretariat Staff (Revised pay of Maistries) Rules, 1964.

IV **The Mysore Housing Board Act, 1962 (10 of 1963).**

G. S. R. 409.—The Mysore Housing Board Rules, 1964.

I

The Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 (24 of 1963).

G. S. R. 373.—The Mysore Industrial Establishments (National and Festival Holidays) Rules, 1964.

L

VI **The Mysore Land Revenue Act, 1964 (12 of 1964).**

G. S. R. 380.—Amendment of Rule 4 of the Mysore Land Revenue Rules, 1964.

M

VII **The Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 (10 of 1961).**

G. S. R. 374.—Amendments to the Mysore Motor Vehicles (Taxation on Passengers and Goods) Rules, 1961 (Insertion of new rule 21A and Form IX-A).

P

VIII **The Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (3 of 1962).**

G. S. R. 400.—The Mysore Public Premises (Prevention of Unauthorised Occupants) Amendment Rules, 1964.

S

IX **The Mysore Societies Registration Act, 1960 (17 of 1960).**

G. S. R. 378.—Amendments to the Mysore Societies Registration Rules, 1961 (Rules 3 and 7 and Schedule 'B').

The Indian Stamp Act, 1899.

G. S. R. 379.—The Indian Stamp (Mysore Amendment) Rules, 1965 (Amendment of Rule 11 of the Indian Stamp Rules, 1925).

XI (2) The Mysore Stamp Act, 1957 (34 of 1957).

G. S. R. 385.—Further amendments to the Mysore Stamp Rules, 1958 (Insertion of new rule 18).

XII (3) The Mysore Sales Tax Act, 1957 (25 of 1957).

G. S. R. 401,—Draft of the Mysore Sales Tax (Amendment) Rules, 1965 (Forms 18 and 19).

V

XIII The Mysore Village Panchayats and Local Boards Act, 1959 (10 of 1959).

1. *G. S. R.* 376.—Draft of amendments to the Mysore Panchayats and Taluk Board Employees (Recruitment and Conditions of Service) Rules, 1962.

2. *G. S. R.* 389.—Amendment to the Mysore Village Panchayats and Local Boards (Delegation of Powers of Government) Rules, 1960 (Rule 3).

3. *G. S. R.* 392.—Draft of the Mysore Panchayats and Taluk Boards (Grant of copies of Records) Rules, 1961.

4. *G. S. R.* 403.—Draft of amendments to the Mysore Village Panchayats (Election of Chairman and Vice-Chairman) Rules, 1957.

5. *G. S. R.* 404.—Draft of amendments to the Mysore Taluk Boards (President and Vice-President) Election Rules, 1959.

6. *G. S. R.* 405.—Draft amendments to the Mysore Taluk Boards Collection of Duty on Transfer of Property (Procedure) Rules, 1960.

7. *G. S. R.* 406.—Draft of amendments to the Mysore Taluk Boards Employees House Building or House Purchase Advances Rules, 1961.

LIST OF GENERAL STATUTORY RULES PUBLISHED DURING THE MONTH OF MARCH, 1965.

A

I. The Hyderabad Abolition of Inams Act, 1955 (Hyderabad Act VIII of 1955).

G.S.R. 435, *dated the* 8*th January* 1965.—Draft Hyderabad Abolition of Inams (Compensation Bond) Rules, 1965.

II. Constitution of India.

1 *G.S.R.* 414, *dated the* 18*th February* 1965.—Further amends the Mysore Public Service Commission (Consultation) Regulations, 1958.

2 *G.S.R.* 415, *dated the* 10*th February* 1965.—The Mysore Engineering and Medical Graduates Deputation to Defence Service Rules, 1965.

3 *G.S.R.* 416, *dated the* 5*th February* 1965.—Further amends the Mysore Civil Service Rules.

4 *G.S.R* 417, *dated the* 16*th February* 1965.—Further amends the Mysore Treasury Code, 1963.

5 *G.S.R.* 419, *dated the* 11*th February* 1965.—Further amends the Mysore Animal Husbandry and Veterinary Services (Recruitment) Rules, 1959.

6 *G,S.R.* 420, *dated the* 20*th February* 1965.—The Mysore Government Industrial Concerns Employees Retiring Gratuity (Amendment) Rules, 1964.

7 *G.S.R.* 423, *dated the* 5*th February* 1965.—Further amends the Mysore General Services (Revenue Subordinate Branch Recruitment) Rules, 1959.

8 *G.S.R.* 424, *dated the* 18*th February* 1965.—Further amends the Mysore Financial Code, 1958.

9 *G.S.R.* 428, *dated the 3rd March* 1965.—Further amends the Mysore Government Servants' (Medical Attendance) Rules, 1963.

10 *G.S.R.* 432, *dated the 17th February* 1965.—Further amends the Mysore Civil Service Rules.

11 G.S.R. 431, *dated the 19th February* 1965.—Further amends the Mysore Civil Service Rules.

12 *G S.R* 437, *dated the 20th February* 1965.—Amends the Mysore General Services (Printing, Stationery and Publication Branch) (Recruitment) Rules, 1960.

13 *G.S.R.* 440, *dated the 5th March* 1965.—Further amends the Mysore Public Works Engineering Department Service (Recruitment) Rules, 1960.

14 *G.S.R.* 441, *dated the 6th March* 1965.—Amends the Mysore Labour Service (Recruitment) Rules, 1959.

15 *G.S.R.* 443, *dated the 10th February* 1965.—The Mysore Government Servants (Family Pension) Rules, 1964.

16 *G S.R.* 437, *dated the 20th February* 1965.—Amends the notification sanctioning the establishment of the State Service Cadres in respect of the Printing, Stationery and Publication Branch of the Mysore General Service.

III. Mysore State Civil Services (General Recruitment) Rules, 1957.

G.S.R. 426, *dated the 19th February* 1965.—Relaxes the qualification of "Five years practical experience in driving heavy vehicles" prescribed in the Mysore Public Health Service (Recruitment) Rules, 1960, for direct recruitment to posts of drivers to "two years practical experience".

F

IV. The Mysore Excise Act, 1901 (Mysore Act 5 of 1901).

G.S.R. 438, *dated the 3rd March* 1965.—Amends the Rules regulating the grant of rewards to informers and

others published in Notification No. 167 Excise F. 21-03, dated the 20th September 1902.

L

V. The Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964).

G.S.R. 429, *dated the* 23*rd February* 1965.—Draft Amendments to the Rules made under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation I of 1899).

M

VI. The Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964).

1. *G.S.R.* 422, *dated the 5th March* 1965.—The Mysore Municipalities (Election of Councillors) Rules, 1965.

2. *G.S.R.* 421, *dated the 5th March* 1965.—The Mysore Municipalities (President and Vice-President) Election Rules, 1965.

3. *G.S.R.* 427, *dated the 8th March* 1965.—Draft Mysore Municipalities (Correspondence) Rules, 1965.

4. *G.S.R.* 432, *dated the* 16*th March* 1965.—The Mysore Municipalities (Procedure and Conduct of Business) Rules, 1965.

P

VII. Mysore Government Servants (Probation) Rules, 1957.

G.S.R. 418, *dated the* 18*th February* 1965.—Declares the Munsiffs appointed in Notification No. HD 104 CET 61 (I), dated the 22nd August 1962, to have satisfactorily completed their probation.

VIII. The Mysore Prohibition Act, 1961 (Mysore Act 17 of 1962.

G.S.R. 430, *dated the 2nd March* 1965.—The Mysore Prohibition (Manufacture and use of Wine for Sacramental purposes) (Amendment) Rules, 1965.

IX. The Mysore Ports (Landing and Shipping fees) Act, 1961 (Mysore Act No. 20 of 1961).

G.S.R. 431, *dated the 3rd March* 1965.—Draft amendments to the Mysore Landing and Shipping fees Rules, 1964.

T

X. The Mysore Town and Country Planning Act, 1961 (Mysore Act No. 11 of 1963.)

G.S.R. 414, *dated the 25th February* 1965.—The Mysore Planning Authority Rules, 1965.

V

XI. The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act No. 10 of 1959).

G.S.R. 442, *dated the 4th March* 1965.—Draft Amendment to the Mysore Panchayats Taxes and Fees Rules, 1960.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated the 31st May 1965.

G.S.R. 541.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules further to amend the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, namely :—

1. *Title.*—These Rules may be called the Mysore Civil Services (Classification, Control and Appeal) (Amendment) Rules, 1965.

2 *Amendment of rule* 9.—In the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, in sub-rule (2) of rule 9, for clause (b), the following clause shall be substituted, namely: —

"(*b*) (i) The Divisional Commissioners may impose on Tahaildars, any of the penalties specified in clauses (ii) and (iv) of rule 8 and the penalty of withholding of increments;

(ii) The Joint Development Commissioners may impose on Block Development Officers and Deputy Block Development Officers the penalty specified in clause (ii) of rule 8 and the penalty of withholding of increments;".

[No. GAD 46 SSR 65].

By Order and in the name of the Governor of Mysore,

K. S. N. Murthy, *Deputy Secy*.

Finance Secretariat

NOTIFICATION.

Bangalore, dated 27th May 1965.

G. S. R. 549.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Manual of Contingent Expenditure 1958, *viz.*,—

In the said Manual,

I. After the first paragraph of Rule 36 the following sub-paras shall be inserted :—

(i) when the advance to be drawn on an Abstract Contingent bill exceeds Rs. 500 the previous sanction of the Controlling Officer should be obtained and attached to the Bill.

(ii) Controlling Officers should ensure that no amounts are drawn from the Treasury unless required for immediate disbursement. The sanctions accorded by them under (i) above should be guided by this important requirement.

(iii) Drawal of sums in excess of, or without mature claims, is strictly prohibited.

(iv) If due to unforeseen causes, the advance, drawn cannot be disbursed within a day or two or disbursed fully within that period, the amount or the unspent part of it should be refunded to the Treasury forthwith.

(v) When the abstract in Part II of Form 2 shows that the Drawing Officer has some unspent balance of advance previously drawn the Treasury Officer should see that, that amount is deducted from the amount detailed in Part II, as a matter of course, and pass only the balance for encashment. Part II with the abstract should be filled up even when no advances are proposed to be drawn.

(vi) As a further precaution against persistent delays in the transmission of detailed contingent bills to the Controlling Officers, every officer who draws Abstract

Contingent Bills on a Treasury should enclose with his monthly salary bill a Certificate, in original, in the following form furnished by his Controlling Officer:

"I certify that (designation)

has furnished detailed contingent bill for all amounts on Government account drawn by him on Abstract Contingent Bills during the months prior to the current month.

I further certify that the detailed bill has been duly countersigned by me and forwarded to the Accountant General, Mysore, Bangalore, with my Memo.

No. dated

Dated :

.....

Controlling Officer''.

(vii) With a view to preventing delays on the part of the Officers including Controlling Officers to furnish detailed accounts in respect of advances drawn by them on A. C. Bills, all officers whose contingent bills do not require counter signature will be required to enclose a certificate in the following form given by the Accountant General with their salary bills for April, July, October and January :

"I Certify that (designation) has

furnished detailed accounts for all advances on Government account drawn by him on Abstract Contingent Bills upto the close of the quarter ending with the previous month.

Dated :

.....

A. G., Mysore, Bangalore".

99

II. Substitute the words "within one month from the date of receipt of the bills in his office" for the words "not later than the 15th of the month following that to

which they relate" appearing in lines 15 and 16 of Rule 38 on page 20.

100

III. Substitute the enclosed Form as "Form–2" for the existing Form of 2 Manual of Contingent Expenditure.

101

[No. FD 21 RCE 62.]

By Order and in the name of the Governor of Mysore,

78

N. S. BHARATH, *Deputy Secretary.*

No. 2-MCE, 1958. Rule 36.

ABSTRACT CONTINGENT BILL.

BILL No.

Bill for Contingent charges of
for the month of 196

PART I.

RECOUPMENT OF EXPENDITURE FROM PERMANENT ADVANCE.

		Rs.
Amount of permanent advance	...	
Disbursements as included in this Part	...	
Balance of permanent advance	...	

.....Treasury

voucher No.

Head of Service

I List of payments
II
For 19 .

Nos. of Sub-vouchers.	Description of charge and number and date of authority for all charges requiring special sanction.	*	Amount
		Rs. p.	Rs. p.
	In words	Total :	

Station.....

Date.....

Signature and designation of the Drawing Officer.

* This column should, when charges are prescribed, exhibit, the component parts of the detailed head. The total of each detailed head will be entered in the next column.

Note.— 1. The Government Servant drawing this bill is responsible for having initialled the date of each payment in the Contingent Register. The Register is required to be sent up with bills and Sub-vouchers for this purpose.

Advances to meet claims ready for payment.

Items for which advances are required.	*Sub-voucher No.*
(1)	
(2)	
(3)	
(4)	

Advance Sub-voucher No.
Date of Bill
Name of Payee
Amount of claim
Particulars of charge
Head of Classification

"I certify that the above claim is ready for payment and that payment will be made immediately after this bill is cashed".

.....
Drawing Officer.

ABSTRACT

	Rs.
Amount required for immediate disbursement as per Part II	.....
Less balance remaining unspent out of advances previously drawn.	.....
Advance now required	.....
Grand Total (Part I and Part II)	.....

"I certify that the above abstract is a true statement of the unspent balances of advances with me or under my control and that there are no other unspent balances of advances with me, pending disbursement.

.....
Signature of the Drawing Officer

Note.—2. The Treasury Officer will make payment on this form as often as required, but the drawer should be careful to include in the Detailed Contingent Bill of a month only the amount of all Abstract Bills encashed at the Treasury during the month.

Note.—3. If the Certificate prescribed below regarding submission of detailed bills is not signed, the Treasury Officer must return it for correction or requisite certificate.

The following certificate must be signed in all cases. If the bill bears a date within the 15th of the month the word 'current' may be changed to 'last'.

"I certify that my detailed Contingent Bill for all contingent charges drawn by me prior to the first of the current month has been forwarded within the limit prescribed in Rule 37 (3) with all necessary vouchers to the Countersigning Officer for countersignature and transmission to the Accountant General, Mysore, Bangalore".

Signature and Designation of the
Drawing Officer.

FOR USE IN TREASURY.

Pay Rupees.....:.....

Examined and entered

Accountant Date Treasury Officer.

FOR USE IN THE AUDIT OFFICE.

Head of Service chargeable.	Amount Rs. p.	Objected to in full pending receipt of detailed contingent Bill. Objected to for other reasons (specified below).	Amount Rs. p.

Total... Date. Auditor. Supdt.

NOTIFICATION.

Bangalore, dated 6th June 1965.

G. S. R.552.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, *viz.*,—

In the said Code,

In Article 144 (c) (P-91),

The words "Secretary to the Board of Examiners" occurring in line three, shall be *substituted* by the words "Chairman, Mysore Public Service Commission".

512

[No. FD 22 RFC 65].

By Order and in the name of the Governor of Mysore,

85 N. S. BHARATH, *Dy. Secy.*

NOTIFICATION.

Bangalore, dated the 3rd June 1965.

G. S. R.553.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, 1963, *viz.*,—

In the said Code, in Volume I,

I. In Article 189 (P-107),

(1) *Insert* the following as 'Note-2' treating the existing Note as Note-1 :—

"*Note*-2 : In the case of female pensioners where the pension is determinable on their marriage or re-marriage, the certificate envisaged in this Article, signed by a responsible Officer or well known person including a Municipal Councillor, M.L.A., or M.P., may be accepted".

70

(2) In volume II, in Form No. M. T. C. 48 (P-244), *Insert* the following at the end of the Form.

"To be signed by responsible Officer or well known person or a Municipal Councillor or M. L. A. or M. P.	I certify to the best of my knowledge and belief that the above declaration is correct.
	Signature .....
Date.....	Designation .....”

8

[No. FD 14 RTC 64.]

By Order and in the name of the Governor of Mysore,

84 N. S. BHARATH, *Deputy Secy.*

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 5th June 1965.

G.S.R. 554.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India, the Governor of Mysore hereby makes the following rules to amend the Mysore Medical Institutions 'Allopathic' Grant-in-aid Rules, 1964,—

1 Title.—These rules may be called the Mysore Medical Institutions 'Allopathic' Grant-in-aid (Amendment) Rules, 1965:

2 Amendment to rules relating to the title and definitions.—The first rule specifying the title of the Mysore Medical Institutions 'Allopathic' Grant-in-aid Rules, 1964, (hereinafter referred to as the said Rules), shall be numbered as rule 1; the rule relating to definitions shall be re-numbered as rule 1A; and in the said Rule 1A,

(*i*) in clause (*a*), the word 'Quasi-Government' shall be omitted;

(*ii*) after clause (*b*), the following clause shall be added, namely:

(*c*) 'Director' means the Director of Medical Services or the Director of Public Health and includes such other officer or officers as the Director of Medical Services or the Director of Public Health may by order, authorise to exercise his powers under these rules."

3 Amendment of rules 5, 7, 8, 9, 10 and 13.—In rules 5, 7, 8, 9, 10 and 13 of the said Rules, for the words 'Director of Medical Services' wherever they occur, the word 'Director' shall be substituted; and for the words 'District Surgeon' wherever they occur, the words 'District Surgeon or District Health Officer' shall be substituted.

[No. PLM 235 PHC 64.]

By Order and in the name of the Governor of Mysore,

83 I. S. SHAIKH, *Under Secy.*

Revenue Secretariat.

NOTIFICATION.

Bangalore, dated the 4th June, 1965.

G. S. R.555.—In exercise of the powers conferred by Section 59 of the Mysore Rent Control Act, 1961 (Mysore Act 22 of 1961), the Government of Mysore hereby makes the following amendments to the Mysore Rent Control Rules, 1961, the draft of the same having been published as required by sub-section (1) of the said section in Part IV-Section 2-C (1) of the *Mysore Gazette* dated 19th September, 1963.

AMENDMENTS.

In the Mysore Rent Control Rules, 1961 :—

I. In clause (B) of rule 4,—

(1) for sub-clauses (3) and (4), the following sub-clauss shall be substituted, namely :—

"(3) Officers employed under the State Government or the Central Government in the following order :—

(i) an officer of class I and of an equivalent or higher status under the State Government ;

(ii) an officer of Class I under the Central Government ;

(iii) an officer of Class II under the State Government ;

(iv) an officer of Class II under the Central Government ;

(v) an officer of Class III under the State Government ;

(vi) an officer of Class III under the Central Government ;

(vii) an officer of Class IV under the State Government;

(viii) an officer of Class IV under the Central Government;

employed in the area in which the building is situated:

Provided that preference shall be given to Government servants who have been provided with Government residential quarters and who offer their services for military service during the period the Proclamation of Emergency under Article 352 of the Constitution of India is in operation.

(2) sub-clauses (5), (6) and (7) shall be renumbered as sub-clauses (4), (5) and (6) respectively and after the said sub-clauses as so renumbered the following sub-clause shall be added, namely :---

"(7) Honorary Medical Officers employed in Government Hospitals in the area in which the building is situated.

(8) Part-time Professors or Lecturers employed in Government Colleges in the area in which the building is situated."

II. For Form II appended to the rules, the following Form shall be substituted namely :—

FORM-II

(*See Rule 6*)

Application (in duplicate) for allotment of a building under clause (i) of sub-section (5) of Section 8.

To

The Controller,

.....

Sir,

In response to your Notification No.
dated I may be allotted the building.
I furnish below the necessary particulars :—

1.	Name, address and occupation of the applicant	
2.	If the applicant is already residing in a building, the grounds on which the application is made	
3.	The maximum rent the applicant is capable of paying.	
4.	The Door No. and other particulars of the building which is notified by Controller as vacant which the applicant seeks for allotment	
5.	Whether he has obtained the consent of the owner for allotment of the buiding.	
6.	Whether the building is required for residential or non-residential purposes. If required for non-residential purpose, the actual purpose for which it is required.	

7. Whether he has tendered one month's advance of rent.	
8. Whether the applicant owns a building in the area of his employment in his name or in the name of his wife or children. If so, the Door No. the area in which it is situated and whether it has been leased.	
9. Whether the applicant is in Government service, if so, state- (i) whether in State or Central Government service ; (ii) whether Class I, Class II, Class III, Class IV Cadre and Gazetted or Non-Gazetted ; (iii) whether permanent or temporary ; (iv) the office in which he is employed ; (v) whether a certificate of the head of Office is attached ;	
10. Any other particulars.	

I declare that to the best of my knowledge and belief the information furnished above is true.

Place :

Date :

Signature of the Applicant

[No. RD 18 GHR 62.]

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO, *Under Secretary.*

Home Secretariat.

NOTIFICATION

Bangalore, Dated the 16th June 1965.

G.S.R. 556.—The draft of the following rule which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (2) of section 27 read with 163 of the Mysore Police Act, 1963 (Mysore Act 4 of 1964) is hereby published as required by sub-section (1) of the said section 163 for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 1st July 1965.

Any objection or suggestion which may be received from any person by the State Government in respect of the said draft before the date specified above will be considered by Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Home Department, Vidhana Soudha, Bangalore–1.

Draft Rules.

1. Title.—These rules may be called the Mysore State Police (Authorisation of Medical officers for grant of certificates) Rules, 1965.

2. Medical officers authorised to grant certificates.—" Officers of the Mysore Medical Service, not below the rank of an Assistant Surgeon, Grade I in the district concerned shall be the prescribed officers competent to issue certificates for purposes of sub-section (2) of section 27 of the Mysore Police Act 1963 ".

[HD 144 PEG 65.]

By Order and in the name of the Governor of Mysore,

86 Bhim Rao, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated the 10th June 1965.

G.S.R. 558.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following Rules, namely :—

1. Title and Commencement.—(1) These rules may be called the Mysore State Vigilance Commission Rules, 1965.

(2) These rules except rules 8 and 9 shall be deemed to have come into force on the 11th February 1965, and rules 8 and 9 shall come into force on the date of publication of these rules in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires—

(*a*) "Vigilance Commission" means the State Vigilance Commission constituted under these rules.

(*b*) "Vigilance Commissioner" means the State Vigilance Commissioner appointed under these rules.

(2) All other expressions used in these rules shall have the meanings respectively assigned to them in the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.

(3) The General Clauses Act, 1897 (Central Act 10 of 1897) applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

3. Constitution of the State Vigilance Commission.— (1) There shall be a Vigilance Commission for the State of Mysore which shall consist of a Vigilance Commissioner, a Directorate of Vigilance headed by a senior officer of the Indian Administrative Service and a Bureau of Investigation headed by a Police Officer of the Indian Police Service of the rank of a Deputy Inspector-General of Police.

(2) The appointment of the Vigilance Commissioner shall be made by the Governor, and the appointment of the Heads of the Directorate of Vigilance and Bureau of Investigation shall be made by the State Government consultation with the Vigilance Commissioner.

(3) The Vigilance Commissioner shall be the chief executive authority of the Commission and shall be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co ordinating the work of and advising the defferent Departments and Undertakings of the Government, in respect of all matters pertaining to the maintenance of integrity in the administration.

4. Conditions of Service of the Vigilance Commissioner :- (1) The State Vigilance Commissioner shall hold office for a period of five years from the date of his appointment:

Provided that the Vigilance Commissioner may, by writing under his hand, addressed to the Governor, resign his office.

(2) A person shall not be qualified for appointment as Vigilance Commissioner unless he is a citizen of India and has held high judicial or administrative office.

(3) The Vigilance Commissioner shall be paid a consolidated salary of rupees three thousand and five hundred per mensem.

(4) The Vigilance Commissioner shall be entitled to grant of leave, leave salary, travelling and other allowances in accordance with the provisions of the Mysore Civil Services Rules.

(5) The Vigilance Commissioner shall be entitled to facilities for medical treatment and accommodation in hospitals in accordance with the provisions of the Mysore Government Servants (Medical Attendance) Rules, 1963.

(6) (a) Subject to the provisions of clause (b), the Vigilance Commissioner shall only be removed from his office by order of the Governor on the ground of misbehaviour, after a Judge of the High Court appointed by the Governor for the purpose has, on enquiry held in this behalf, reported that the Vigilance Commissioner ought on any such ground to be removed

(b) Notwithstanding anything contained in clause (a), the Governor may by order remove from office the Vigilance Commissioner, if he.—

(i) is adjudged an insolvent; or

(ii) engages during his term of office in any paid employment outside the duties of his office; or

(iii) is, in the opinion of the Governor unfit to continue in office by reason of infirmity of mind or body.

(c) If the Vigilance Commissioner is or becomes in any way concerned with or interested in any contract or agreement made by or on behalf of the Government of India or a State Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with other members of an incorporated company, he shall, for purposes of clause (a), be deemed to be guilty of misbehaviour.

(7) On ceasing to hold office, the Vigilance Commissioner shall be ineligible for furher employment under the State Government or for holding any political or public office in the State of Mysore.

5. **Powers and Functions of the Vigilance Commission.**—The Vigilance Commission shall have jurisdiction and powers in respect of matters to which the executive powers of the State extends, to--

(*a*) undertake an inquiry into any transaction in which a Government Servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;

(*b*) cause an inquiry or an investigation to be made into—

(i) any complaint that a Government servant had exercised or refrained from exercising his powers for improper or corrupt purposes;

(ii) any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on the part of a Government servant; or

(iii) any complaint relating to any act or omission or administrative procedure or practice on the ground that it is unreasonable. unjust, oppressive or improperly discriminatory;

(*c*) initiate from time to time review of procedures and practices of administration in so far as they relate to maintenance of integrity in the administration.

(*d*) collect such statistics and other information as may be necessary for the discharge of its functions; and

(*e*) call for any information from the Departments of Government or Government Undertakings or any Government servant on any matter in respect of which the Vigilance Commission has jurisdiction.

6. **Procedure of the Commission.**—(*a*) Any complaint against a Government Servant in respect of any matter

referred to in clause (*a*) or clause (*b*) of Rule 5, received by the Vigilance Commission, or which may come to its notice in any manner, may, if in the opinion of the Commission such complaint requires investigation, cause the matter to be investigated by the Bureau of Investigation.

(2) The report of every investigation by the Bureau of Investigation shall be considered by the Vigilance Commission, and taking into consideration the circumstances of the case, the Vigilance Commission may —

(*a*) advise the appropriate authority to prosecute the Government Servant concerned; or

(*b*) advise the appropriate authority to take disciplinary proceedings against the Government Servant concerned; or

(*c*) advise the appropriate authority that no action may be taken against the Government Servant concerned.

7. Annual Report.— The Vigilance Commission shall present annually to the Governor a report as to the work done by the Vigilance Commission, and the Governor shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Vigilance Commission was not accepted and the reasons for such non-acceptance, to be laid before the Legislature of the State.

8. Amendment to the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.— In the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, for Rule 14-A, the following Rule shall be substituted, namely :—

"**14-A. Special Procedure in Certain Cases**

(1) The following provisions shall, notwithstanding anything contained in Rules, 9, 10, 11 and 13, be applicable for purposes of proceedings against Government Servants whose alleged misconduct has been investigated into by the Vigilance Commission either *Suo-motu* or on a reference from Government or from any other authority *viz.*,

(*a*) where on investigation into any allegation against—

(*i*) a member of the State Civil Services Class I or II ; or

(*ii*) a member of the State Civil Services Class I or II and a member of the State Civil Services Class III or IV ; or

(*iii*) a member of the State Civil Services Class III or IV in respect of an allegation of a serious nature ;

the Vigilance Commission is of the opinion that disciplinary proceedings shall be taken, it shall forward the record of investigation along with its recommendations to the Government, and the Government, after examining such records, may either direct an inquiry into the case by the Vigilance Commission or direct the appropriate disciplinary authority to take action in accordance with Rule 12 ;

(*b*) Where the Vigilance Commission is directed to hold an inquiry into a case under Clause (a), the inquiry may be conducted either by the Vigilance Commissioner or by an officer of the Directorate of Vigilance authorised by the Vigilance Commissioner to conduct the inquiry :

Provided that the inquiry of a case relating to a Government Servant shall not be conducted by an officer lower in rank than that of such Government Servant :

Provided further that the inquiry of a case relating to a Government Servant not lower in rank than that of Deputy Commissioner shall not be conducted by any person other than the Vigilance Commissioner or the head of the Directorate of Vigilance ;

(*c*) The Vigilance Commisioner or the officer authorised to conduct the inquiry under Clause (b)

shall conduct the inquiry in accordance with the provisions of sub-rules (2), (3), (4), (5), (6) and (7) of Rule 11 and for the purpose of such inquiry shall have the powers of the specially empowered authority referred to in the said rule ;

(*d*) After the inquiry is completed the records of the case with the findings of the inquiring officer and the recommendations of the Vigilance Commissioner shall be sent to the Government ;

(*e*) On receipt of the records under clause (d), the Government shall take action in accordance with the provisions of sub-rules (9) to (12) of Rule 11 and in all such cases the Government shall be the disciplinary authority competent to impose any of the penalties specified in Rule 8.

(2) Nothing in sub-rule (1) shall be applicable to Government Servants who are members of the Mysore Judicial Service, Class I.

Explanation.—In this rule, the expressions "Vigilance Commission", "Vigilance Commissioner" and the "Directorate of Vigilane" shall respectively have the meanings assigned to them in the Mysore State Vigilance Commission Rules, 1965."

9. Provision in respect of certain matters.—(1) Anything done or any action taken (including investigations conducted, inquires made, orders appointing the inquiring officer or authority issued, or proceedings taken) under Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, before the commencement of Rule 8 of these rules, shall be deemed to have been done or taken under Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, as substituted by the said rule 8, and accordingly, all further investigations

inquiries and proceedings may be continued by the Vigilance Commission, the Vigilance Commissioner, the Head of the Directorate of Vigilance and the Head of the Bureau of Investigation or other officers or authorities of the Vigilance Commission in accordance with the provisions of these rules and Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, as substituted by the said Rule 8.

(2) If there be any doubt as to which officer or authority of the Vigilance Commission should deal with any matter under sub-rule (1), the matter shall be referred to the State Government, and the officer or authority specified by the State Government, shall be deemed to be the Officer or authority competent to deal with such matter.

[No. GAD 38 SSR 65].

By Order and in the name of the Governor of Mysore,

K. S. N. MURTHY, *Deputy Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 1st–11th June 1965.

G.S.R. 559.—The draft of the following further amendments to the Mysore Motor Vehicles Rules, 1963, wibch the Government of Mysore proposes to make in exercise of the powers conferred by Section 67 of the Motor Vehicles Act, 1939 is hereby published as required by sub-section (1) of Section 133 of the said Act for information of all persons likely to be affected thereby, and notice is hereby given that the draft Amendments will be taken up for consideration after one month from the date of publication in the *Mysore Gazette.*

Objections or suggestions, if any, which may be received from any person in respect of the draft amendments within the period specified above will also be considered by Government. Objections and suggestions may be addressed to the Secretary to Government of Mysore, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT AMENDMENTS.

1. Title.—These rules may be called the Mysore Motor Vehicles (Fifth Amendment) Rules, 1965.

2. Amendmeat of Rule 166.—In the Mysore Motor Vehicles Rules, 1963, for rule 166, the following rule shall be substituted, namely :—

"166. Conduct of Passengers in Stage Carriages.—(1) Save in the case of pass holders and persons authorised by the permit holder to travel in a stage carriage, every passenger in a stage carriage shall pay the legal fare and obtain a ticket for the journey in the said carriage from the conductor or any other person authorised to issue tickets before the stage carriage departs on its legitimate journey from the boarding point.

It shall be a sufficient compliance with the provisions of this sub-rule, if the passenger travelling in city or town services obtains a ticket before the Stage Carriage reach the next authorised bus stop.

(2) Every passenger shall on demand by the driver or conductor or a Police Officer not below the rank of a Sub-Inspector of Police or an Officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or any other person authorised by the permit holder for the purpose, produce during the course of the journey the ticket issued if so required for purpose of verification and surrender the ticket on demand by a Police Officer or an Officer of the Motor Vehicles Department of the above ranks or the person authorised by the permit holder for purpose of any investigation or evidence, and the above officers or the person authorised by the permit holder obtaining a ticket from the passenger shall issue a printed receipt in the Form 81-B RLT prescribed in Appendix I and it shall be deemed to be valid ticket for the remaining part of the journey.

(3) Every passenger shall if so requested by the driver or conductor or any person authorised by the permit holder, declare the journey he intends to take or has taken in the vehicle and shall pay the fare for the whole of such journey and accept the ticket provided therefor.

(4) A ticket shall be valid only for the journey for which it has been issued and by the Stage Carriage in or for which it has been issued.

Explanation.—For purposes of sub-rules (1) to (4) "ticket" includes passes or authorities issued by the permit holder/Undertaking or receipt issued under sub-rule (2.)

(5) (*a*) No passenger or person using or intending to use a Stage Carriage shall—

(i) enter, leave or attempt to enter or leave any Stage Carriage whilst it is in motion ; or

(ii) enter into or alight from a stage carriage except by the entrance or exit provided for the purpose ; or

(iii) enter into a Stage Carriage without first permitting all passengers leaving the Stage Carriage to alight ; or

(iv) knowing or intentionally in contravention of the instructions of the driver or conductor in this behalf enter a Stage Carriage which is carrying the maximum number of passengers authorised by the permit.

(v) mount the driver's platform or talk or interfere with or otherwise distract the attention of the driver of a Stage Carriage while on duty ; or

(vi) obstruct any authorised employee of the permit holder in the discharge of his duties on the stage carriage ; or

(vii) place his foot upon any seat of a stage carriage ; or

(viii) hang on to any exterior part of a stage carriage ; or

(ix) alight or attempt to alight from the stage carriage without paying the legal fare; or

(x) travel in a stage carriage beyond the destination to which the fare he has paid entitles him to travel without informing and paying the conductor, the legal fare for the additional journey.

(*b*) No passenger or person using or intending to use a Stage carriage shall—

(i) behave in a disorderly manner ; or

(ii) use abusive Language ; or

(iii) molest any other passenger ; or

(iv) smoke when a notice prohibiting smoking is exhibited ; or

(v) spit in the vehicle ; or

(vi) refuse to declare, if so required by the driver or conductor or any person authorised by the permit holder, the journey he intends to take or has

taken in the vehicle and to pay the legal fare for the whole of such journey and to accept any ticket provided therefor; or

(vii) refuse to pay a fresh fare when he has altered or defaced his ticket so as to render the number or any portion thereof illegible; or

(viii) use or attempt to use a ticket other than the ticket vaild for a particular journey or a ticket which has already been used by another passenger, or on another journey; or

(ix) have dress or clothing which is likely to soil or damage the seats or the dress or clothing of another passenger or which for any other reason is offensive to other passengers; or

(x) occupy more than one seat, or reserve or attempt to reserve another seat either for himself or for another passenger; or

(xi) have bulky luggage of form of description which obstructs, annoys or inconveniences another passenger or is likely to do so;

(xii) carry any animal, bird, flesh or fish (other than tinned food in its original packings), any instrument, substance or any other article which annoys or inconveniences or is offensive to any passenger or is likely to be so; or

(xiii) wilfully damage or soil or remove any fittings in or on the stage carriage or interfere with any light or part of the carriage or its equipment; or

(xiv) ring without lawful excuse or interfere with any signal of the stage carriage; or

(xv) without lawful excuse occupy any seat exclusively reserved for lady passengers; or

(xvi) sing or play upon any musical instrument.

(c) A passenger who is reasonably suspected by the driver or conductor or any person authorised by the permit holder or a Police Officer not below the rank of a Sub-Inspector of Police or an Officer of the Motor Vehicles

Department not below the rank of an Inspector of Motor Vehicles of contravention of any of the provisions of this rule shall on demand being made by such driver, conductor or any person authorised by the permit holder or a Police Officer not below the rank of a Sub-Inspector of Police or an Officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles, give his correct name and address.

(d) Any passenger or person contravening any of the provisions of sub-clauses (iv) to (vi) of clause (a) or sub-clause (i) to (xvi) of clause (b) of sub-rule 5 or any person reasonably suspected to be suffering from any contagious or infectious disease, the driver or the conductor or any other person authorised by the permit holder for the purpose, may require such passenger to alight from the vehicle forthwith and may stop the vehicle and keep it stationary till the passenger alights. Such passenger shall not be entitled to the refund of any fare which he might have paid, and any such passenger failing to comply forthwith with such a requirement, may be removed by the conductor/or driver, or any person authorised by the permit holder or by any police officer on request made by such driver or conductor or any other person authorised by the permit holder for the purpose or any passenger in that behalf.

(6) No person (not being an employee of the permit holder) except *bona fide* passenger or intending passenger, shall board a stage carriage.

(7) Any passenger or person contravening any of the provisions of this Rule shall be guilty of an offence.

(8) A copy of sub-rules (1) to (7) of this rule shall be displayed in conspicuous place in every stage carriage in English language and in such other language as the Regional Tansport Authority may direct and it shall be visible to any person inside the vehicle at all times.

3. Insertion of a new Form 81-B. RIT:

In Appendix I to the Mysore Motor Vehicles Rules, 1963, after Form 81-A I. Adv., the following Form shall be inserted, namely :—

"FORM 81-B. RLT.

[Rule 166 (2)]

Receipt in lieu of Ticket.

1. Date of check.
2. Time of check.
3. Place of check.
4. Registration No. of vehicle :
5. Route from.....to.....
6. Sl. No. of the ticket obtained.
7. Value of ticket. Rs.....
8. Receipt issued for travel from.....to.....
9. Reasons for issuing this authority.....

.....

Signature and Designation of
the person issuing the Receipt."

[No. HD 128 TM. R 64.]

By Order and in the name of the Governor of Mysore

V. RAMANATHAN,
Under Secy. to Govt., H. D.

Development, Panchayati Raj and Co-operation Secretariat.

NOTIFICATION.

Bangalore, dated 14th June 1965.

G. S. R.560.—The following draft rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Agriculture Produce Markets Act, 1939 (Mysore Act XVI of 1939) further to amend the Mysore Agriculture Produce Markets Rules, 1947, are hereby published as required by sub-section (4) of Section 6 of the said Act for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft amendments will be taken into consideration on or after 28th July 1965.

Any objections or suggestions which may be received from any person by the State Government with respect to the above draft before the date specified above will be considered byt he Government. Objections or suggestions may be sent to the Secretary to Government, Development, Panchayati Raj and Co-operation Department, Vidhana Soudha, Bangalore-1.—

1. Title :—These Rules may be called the Mysore Agriculture Produce Markets (Amendment) Rules, 1965.

2. Amendment of Rule 9.—After sub-rule (6) of Rule 9 of the Mysore Agriculture Produce Markets Rules, 1947 (hereinafter referred to as the said Rules), the following sub-rule shall be inserted, namely :—

"(7) The Supervising Officer shall allot to each contesting candidate any one of the following symbols and his decision in this behalf shall be final :—

(1) Cow ;
(2) Scales ;
(3) Horse ;
(4) Sun ;
(5) Umbrella ;
(6) Dog ;
(7) Bird ,
(8) Goat ;
(9) Lamb ;
(10) Wheel ;
(11) Flower ;
(12) Hand ;
(13) A twig with two leaves ;
(14) Elephant ;
(15) Man."

3. Amendment of Rule 11.—In Rule 11 of the said Rule—

(i) for the words "who will each have an emblem", the words "and the symbols allotted to them" shall be substituted;

(ii) for the word "emblems", the word "symbol" shall be substituted;

(iii) in the Form of Voting Paper, for the word "Emblem", the word "Symbol" shall be substituted.

[No. DPC 23 CMD 64].

By Order and in the name of the Governor of Mysore,

88

S. RAMANATHAN, *Secy.*

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st June 1965.

G. S R 561.—The draft of the following rules amending the Mysore Municipalities (Correspondence) Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of Section 323 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th July 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

Draft Rules.

1. *Title.*—These rules may be called the Mysore Municipalities (Correspondence) (Amendment) Rules, 1965.

2. *Amendment of rule 5.*—In Rule 5 of the Mysore Municipalities (Correspondence) Rules, 1965, published in notification No. G.S.R. 501, dated the 4th May 1965 for the words "every communication relating to any correspondence under rule 4", the words "in the case of a town municipal council, every communication relating to any correspondence under rule 4 addressed to the Deputy Commissioner of the district" shall be substituted.

[No. PLM 14 MLR (1) 65.]

By Order and in the name of the Governor of Mysore,

91 VENKATARAMIA, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 22nd June 1965

G. S. R. 562.—In exercise of the powers conferred by clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949), the Government of Mysore hereby publishes the following draft rules to amend the financial Rules in Schedule IV to the said Act and for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 31st July 1965. Objections and suggestions may be sent to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Bangalore-1, before the said date.

DRAFT RULES.

In exercise of the powers conferred by sub-section (3) of Section 365 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949) the Government of Mysore hereby makes the following Rules, namely :

1. Title.—These rules may be called the City of Bangalore Municipal Corporation (Amendment to Schedule IV) Rules, 1964.

2. Amendment to Schedule IV.—In Part III of the Financial Rules contained in Schedule IV to the City of Bangalore Municipal Corporation Act, 1949.

(i) in sub-rule (2) of Rule 16, for the word 'october' the word 'July' shall be substituted ;

(ii) in clause (d) of rule 18, for the word 'three' the word 'eight' shall be substituted.

[No. PLM 122 GOA 63].

By Order and in the name of the Governor of Mysore,

A. V. MIRZA, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

GENERAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 10th June 1965.

G.S.R. 558.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following Rules, namely :—

1. Title and Commencement.—(1) These rules may be called the Mysore State Vigilance Commission Rules, 1965.

(2) These rules except rules 8 and 9 shall be deemed to have come into force on the 11th February 1965, and rules 8 and 9 shall come into force on the date of publication of these rules in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires—

(*a*) "Vigilance Commission" means the State Vigilance Commission constituted under these rules.

(*b*) "Vigilance Commissioner" means the State Vigilance Commissioner appointed under these rules.

(2) All other expressions used in these rules shall have the meanings respectively assigned to them in the

Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.

(3) The General Clauses Act, 1897 (Central Act 10 of 1897) applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

3. Constitution of the State Vigilance Commission.— (1) There shall be a Vigilance Commission for the State of Mysore which shall consist of a Vigilance Commissioner, a Directorate of Vigilance headed by a senior officer of the Indian Administrative Service and a Bureau of Investigation headed by a Police Officer of the Indian Police Service of the rank of a Deputy Inspector-General of Police.

(2) The appointment of the Vigilance Commissioner shall be made by the Governor, and the appointment of the Heads of the Directorate of Vigilance and Bureau of Investigation shall be made by the State Government in consultation with the Vigilance Commissioner.

(3) The Vigilance Commissioner shall be the chief executive authority of the Commission and shall be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co-ordinating the work of and advising the different Departments and Undertakings of the Government, in respect of all matters pertaining to the maintenance of integrity in the administration.

4. Conditions of Service of the Vigilance Commissioner :-
(1) The State Vigilance Commissioner shall hold office for a period of five years from the date of his appointment:

Provided that the Vigilance Commissioner may, by writing under his hand, addressed to the Governor, resign his office.

(2) A person shall not be qualified for appointment as Vigilance Commissioner unless he is a citizen of India and has held high judicial or administrative office.

(3) The Vigilance Commissioner shall be paid a consolidated salary of rupees three thousand and five hundred per mensem.

(4) The Vigilance Commissioner shall be entitled to grant of leave, leave salary, travelling and other allowances in accordance with the provisions of the Mysore Civil Services Rules.

(5) The Vigilance Commissioner shall be entitled to facilities for medical treatment and accommodation in hospitals in accordance with the provisions of the Mysore Government Servants (Medical Attendance) Rules, 1963.

(6) (a) Subject to the provisions of clause (b), the Vigilance Commissioner shall only be removed from his office by order of the Governor on the ground of misbehaviour, after a Judge of the High Court appointed by the Governor for the purpose has, on enquiry held in this behalf, reported that the Vigilance Commissioner ought on any such ground to be removed.

(b) Notwithstanding anything contained in clause (a), the Governor may by order remove from office the Vigilance Commissioner, if he.—

(i) is adjudged an insolvent; or

(ii) engages during his term of office in any paid employment outside the duties of his office; or

(iii) is, in the opinion of the Governor unfit to continue in office by reason of infirmity of mind or body.

(c) If the Vigilance Commissioner is or becomes in any way concerned with or interested in any contract or agreement made by or on behalf of the Government of India or a State Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with other members of an incorporated company, he shall, for purposes of clause (a), be deemed to be guilty of misbehaviour.

(7) On ceasing to hold office, the Vigilance Commissioner shall be ineligible for furher employment under the State Government or for holding any political or public office in the State of Mysore.

5. Powers and Functions of the Vigilance Commission.—The Vigilance Commission shall have jurisdiction and powers in respect of matters to which the executive powers of the State extends, to—

(*a*) undertake an inquiry into any transaction in which a Government Servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner ;

(*b*) cause an inquiry or an investigation to be made into—

(i) any complaint that a Government servant had exercised or refrained from exercising his powers for improper or corrupt purposes ;

(ii) any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on the part of a Government servant ; or

(iii) any complaint relating to any act or omission or administrative procedure or practice on the ground that it is unreasonable, unjust, oppressive or improperly discriminatory ;

(*c*) initiate from time to time review of procedures and practices of administration in so far as they relate to maintenance of integrity in the administration.

(*d*) collect such statistics and other information as may be necessary for the discharge of its functions ; and

(*e*) call for any information from the Departments of Government or Government Undertakings or any Government servant on any matter in respect of which the Vigilance Commission has jurisdiction.

6. Procedure of the Commission.—(*a*) Any complaint against a Government Servant in respect of any matter

referred to in clause (*a*) or clause (*b*) of Rule 5, received by the Vigilance Commission, or which may come to its notice in any manner, may, if in the opinion of the Commission such complaint requires investigation, cause the matter to be investigated by the Bureau of Investigation.

(2) The report of every investigation by the Bureau of Investigation shall be considered by the Vigilance Commission, and taking into consideration the circumstances of the case, the Vigilance Commission may —

(*a*) advise the appropriate authority to prosecute the Government Servant concerned ; or

(*b*) advise the appropriate authority to take disciplinary proceedings against the Government Servant concerned ; or

(*c*) advise the appropriate authority that no action may be taken against the Government Servant concerned.

7. Annual Report.— The Vigilance Commission shall present annually to the Governor a report as to the work done by the Vigilance Commission, and the Governor shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Vigilance Commission was not accepted and the reasons for such non-acceptance, to be laid before the Legislature of the State.

8. Amendment to the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.— In the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, for Rule 14-A, the following Rule shall be substituted, namely :—

"**14-A. Special Procedure in Certain Cases**

(1) The following provisions shall, notwithstanding anything contained in Rules, 9, 10, 11 and 13, be applicable for purposes of proceedings against Government Servants whose alleged misconduct has been investigated into by the Vigilance Commission either *Suo-motu* or on a reference from Government or from any other authority *viz.*,

(*a*) where on investigation into any allegation against—

(*i*) a member of the State Civil Services Class I or II ; or

(*ii*) a member of the State Civil Services Class I or II and a member of the State Civil Services Class III or IV ; or

(*iii*) a member of the State Civil Services Class III or IV in respect of an allegation of a serious nature ;

the Vigilance Commission is of the opinion that disciplinary proceedings shall be taken, it shall forward the record of investigation along with its recommendations to the Government, and the Government, after examining such records, may either direct an inquiry into the case by the Vigilance Commission or direct the appropriate disciplinary authority to take action in accordance with Rule 12 ;

(*b*) where the Vigilance Commission is directed to hold an inquiry into a case under Clause (a), the inquiry may be conducted either by the Vigilance Commissioner or by an officer of the Directorate of Vigilance authorised by the Vigilance Commissioner to conduct the inquiry:

Provided that the inquiry of a case relating to a Government Servant shall not be conducted by an officer lower in rank than that of such Government Servant :

Provided further that the inquiry of a case relating to a Government Servant not lower in rank than that of Deputy Commissioner shall not be conducted by any person other than the Vigilance Commissioner or the head of the Directorate of Vigilance ;

(*c*) The Vigilance Commisioner or the officer authorised to conduct the inquiry under Clause (b) shall conduct the inquiry in accordance with the provisions of sub-rules (2), (3), (4), (5), (6) and (7) of Rule 11 and for the purpose of such inquiry shall have the powers of the specially empowered authority referred to in the said rule ;

(*d*) After the inquiry is completed the records of the case with the findings of the inquiring officer and the recommendations of the Vigilance Commissioner shall be sent to the Government ;

(*e*) On receipt of the records under clause (d), the Government shall take action in accordance with the provisions of sub-rules (9) to (12) of Rule 11 and in all such cases the Government shall be the disciplinary authority competent to impose any of the penalties specified in Rule 8.

(2) Nothing in sub-rule (1) shall be applicable to Government Servants who are members of the Mysore Judicial Service, Class I.

Explanation.—In this rule, the expressions "Vigilance Commission", "Vigilance Commissioner" and the "Directorate of Vigilance" shall respectively have the meanings assigned to them in the Mysore State Vigilance Commission Rules, 1965."

9. Provision in respect of certain matters.—(1) Anything done or any action taken (including investigations conducted, inquiries made, orders appointing the inquiring officer or authority issued, or proceedings taken) under Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, before the commencement of Rule 8 of these rules, shall be deemed to have been done or taken under Rule 14-A of the Mysore Civil Services (Classifi-

cation, Control and Appeal) Rules, 1957, as substituted by the said rule 8, and accordingly, all further investigations, inquiries and proceedings may be continued by the Vigilance Commission, the Vigilance Commissioner, the Head of the Directorate of Vigilance and the Head of the Bureau of Investigation or other officers or authorities of the Vigilance Commission in accordance with the provisions of these rules and Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, as substituted by the said Rule 8.

(2) If there be any doubt as to which officer or authority of the Vigilance Commission should deal with any matter under sub-rule (1), the matter shall be referred to the State Government, and the officer or authority specified by the State Government, shall be deemed to be the Officer or authority competent to deal with such matter.

[No. GAD 38 SSR 65.]

By Order and in the name of the Governor of Mysore,

K. S. N. MURTHY, *Deputy Secy.*

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 9th June 1965.

G. S. R.561.—In exercise of the powers conferred by Clause (2) of Articles 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, 1963, namely :—

In the said Code, in Volume I,

In Article 163 (b) (page 146), as amended in Government Notification No. FD 30 RTC 64, dated 5th November 1964 (C. S. No. 24),

Insert the following as a 'Note'

" *Note*: In respect of Bank Treasuries, one copy of the chalan with the requisite endorsement shall be forwarded on the next working day following the date of transaction ".

[No. FD 9 RTC 65].

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

71

101

NOTIFICATION.

Bangalore, dated 15th June 1955

G. S. R.565.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, Volume II, namely,—

In the said Code, in Appendix VIII, *viz.*, Rules for the custody, supply and sale of Stamps.

(1) In Note-1 under Rule 2 in Section I, *substitute* the words "District Treasury Officer" *for* "Deputy Commissioner" in line 3.

(2) In Rule 4 of Section I, *substitute* the words "District Treasury Officer" *for* "Deputy Commissioner" in line 5.

(3) In the directions of the State Government under Rule 19 (Page 167) *substitute* the words "Director of Treasuries, Bangalore" *for* "Commissioner of Stamps, Bangalore", in line 1.

(4) *Delete* the first para under directions of the State Government under Rule 34 (Page 175) and *substitute* it as follows :

> "The half yearly verification will be conducted by the District Treasury Officers in the case of local depots, and by the Tahsildars in the case of branch depots".

(5) In the directions of the State Government under Rule 50 (page 181) *substitute* the words "Director of Treasuries, Bangalore" *for* "Divisional Commissioner, concerned" in Sl. No. (1).

(6) Directions of the State Government under Rule 52 (b) (Page 182) shall be *substituted* by the following :—

"The report should be sent to the Director of Treauries, who is the administrative head of the Treasuries in the State".

[No. ED 31 RTO 65].

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

9
100

NOTIFICATION-I.

Bangalore, dated 15th June 1962

G. S. R. 566.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following further amendments to the Mysore General Service (Treasury Branch) (Recruitment) Rules, 1961, namely,—

(1) In the Schedule to the said Rules, before the entries relating to Treasury Officers, the following entries shall be and shall be deemed to have been inserted with effect from the 11th October, 1933, namely :—

"Director of Treasuries.	By promotion by selection from the cadre of Deputy Directors of Treasuries or by appointment of an I.A.S. (Senior Scale) or M. A. S. (Senior Scale) Officer.	
Deputy Directors of Treasuries.	By promotion by selection from the Cadre of Treasury Officers.	Should have put in at least four years' service as Treasury Officers."

(2) After the entry 'Assistant Treasury Officers below the entries relating to "Treasury Officers" the following shall be added in brackets :

" including Assistant Directors of Treasuries ".

V. V. GIRI,
Governor of Mysore.

[No. FD 128 RTH 61.]

By Order and in the name of the Governor of Mysore.

N. S. BHARATH, *Dy. Secy.*

97

NOTIFICATION-II

Bangalore, dated 15th June 1965.

G. S. R. 567.—The Governor of Mysore hereby makes the following further amendment to the Notification No. GAD 24 ORR 59, dated the 28th January 1961, sanctioning the establishment of the State Service Cadres in respect of the Treasury Branch of the Mysore General Service, namely :—

(1) In the said Notification, before the entries relating to Treasury Officers, the following entries shall be and shall be deemed to have been inserted with effect from 11th October, 1963, namely.

"Director of Treasuries	1	Rs. 900-1,300*
Deputy Directors of Treasuries	2	Rs. 600-40-1,000

* Persons appointed from other cadres will draw their own scales of pay.

(2) Below the entries relating to "Treasury Officers" after the entry— "Assistant Treasury Officers", the follo- shall be and shall be deemed to have been inserted with effect from 11th October 1963, in brackets:

"including Assistant Directors of Treasuries"

V. V. GIRI,
Governor of Mysore.

[No. FD 128 RTE 61.]

By Order and in the name of the Governor of Mysore.

N. S. BHARATH, *Dy. Secy.*

Agriculture and Forest Secretariat

NOTIFICATION.

Bangalore, dated 11th June 1965.

G.S.R. 568.—The draft of the following rules further to amend the Mysore Land Improvement Rules, 1962, which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (1) of section 35 of the Mysore Land Improvement Act, 1962 (Mysore Act 6 of 1962) is hereby published as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by Government on or after 15th July 1965.

Any objection or suggestion which may be received by the Government with respect to the said draft rules before the date specified above, will be considered by the Government. Objections or suggestions may be sent to the Secretary to Government, Agriculture and Forest Department, Vidhana Soudha, Bangalore-1.

1. **Title** :—These rules may be called the Mysore Land Improvement (Amendment) Rules, 1965.

2. **Amendment of Rule 11** :—In sub-rule (4) of rule 11 of the Mysore Land Improvement Rules, 1962 (hereinafter referred to as the said rules) for the words "notice to the tenant of the land" the words "notice to the owner and tenant of the land", shall be substituted and for the words and figures "The Mysore Land Revenue Code, 1888" the words and figures "The Mysore Land Revenue Act, 1964" shall be substituted.

3. **Amendment of Rule 12** :—In rule 12 of the said rules, for the words and figures "The Mysore Land Revenue Code 1888", the words and figures "The Mysore Land Revenue Act, 1964" shall be substituted.

4. **Amendment of Form IV** :—In Form IV, appended to the said rules, for the letters "a. g.", the letters "a. g. c." shall be substituted, and for the word and figures "rule 11", the word and figure "rule 8" shall be substituted.

5. **Amendment of Form V** :—In Form No. V., appended to the said rules, for the abbreviation "Sy. No." in the two places where they occur, the abbreviation "S. No." shall be substituted.

[No. AF 57 ASC 64].

By Order and in the name of the Governor of Mysore,

G. S. SRINIVASAN, *Secretary.*

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION

Bangalore, dated the 31st June 1965

G. S. R. 569.—The following draft of the further amendment to the Mysore Minimum Wages Rules 1958, which the Government of Mysore propose to make in exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948) is hereby, published as required by sub-section (1) of the said Section for information of persons likely to be affected thereby and notice is hereby given that the draft will be taken up for consideration on or after 1st August 1965.

Any objection or suggestion which may be received from any person with respect to the said draft before the aforesaid date will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore 1.

AMENDMENT

In the Mysore Minimum Wages Rules 1958-(1) after rule 30, the following rule shall be inserted, namely :—

"30 A. Where employees in a Scheduled Employment are employed, there shall be exhibited or displayed in such factory, workshop or place where the work is allocated, and in the case of outworkers, at the place where duties are assigned to such outworkers notices in Form XIII giving the following particulars, namely :—

(1) Weekly holidays;

(2) Working hours of employees

(3) Time for payment of wages."

(2) After Form XII, the following shall be added, namely :—

FORM XIII

Rule 29 (6)

Sl. No.	Name of Employee	Weekly Holidays (i)	Working Hours. (ii)	Time for payment of wages (iii)

[No. PLM 115 LMW 62.]

By Order and in the name of the Governor of Mysore,

K. M. SOMASEKAR, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION

Bangalore, dated the 21st June 1965.

G.S R. 570.—The following draft of Rules to amend the Mysore State Aid to Industries Rules, 1961, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 23 of the Mysore State Aid to Industries Act, 1959, (Mysore Act, 8 of 1960) is hereby published, as required by sub-section (1) of the said section for the information of persons likely to be affected the reby and notice is hereby given that the said draft will be taken into consideration on or after 5th August, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Commerce and Industries Department, Vidhana Soudha, Bangalore-1.

Draft Rules.

1. **Title** :—These rules may be called the **Mysore State** Aid to Industries (Amendment) Rules, 1965.

2. **Amendment of rule 21** :—In rule 21 of the Mysore State Aid to Industries Rules, 1961, after item (ix), the following items shall be added, namely :—

(x) Allahabad Bank.
(xi) Andhra Bank Ltd.
(xii) Bank of Baroda.
(xiii) Bank of India.
(xiv) Begaum Bank.
(xv) Canara Banking Corporation.
(xvi) Devakaran Nanjee Banking Co.
(xvii) Indian Overseas Bank,
(xviii) Jaya Laxmi Bank.

(xix) Karnataka Bank.
(xx) National and Grindlays Bank.
(xxi) Pangal Nayak Bank.
(xxii) Syndicate Bank.
(xxiii) Union Bank of India.
(xxiv) United Commercial Bank.
(xxv) Vijaya Bank.
(xxvi) Vysya Bank.
(xxvii) Life Insurance Corporation of India.

[No. CI 6 GAI 64.]

By Order and in the name of the Governor of Mysore,

J. T. BORKER, *Under Secy.*

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 21st June 1965.

G. S. R. 571.—In exercise of the powers conferred by Section 210 of the Mysore Village Panchayats and Local Boards Act, 1959, (Mysore Act 10 of 1959), the Government of Mysore hereby makes the following rules, further to amend the Mysore Panchayats Taxes and Fees Rules, 1960, the draft of the same having been previously published in Part IV, Section 2C(i) of the *Mysore Gazette* dated 25th March 1965, in Notification No. GSR 442, dated 4th March 1965, as required by sub-section (1) of Section 210 of the said Act.

1. Title.—These rules may be called the Mysore Panchayats Taxes and Fees (Amendment) Rules, 1965.

2. Insertion of new rule 16A.—After rule 16 of the Mysore Panchayats Taxes and Fees Rules, 1960, the following rule shall be inserted, namely.—

"**16A. Transfers of title.**—(1) Whenever the title of any person primarily liable for the payment of a tax imposed on any building or land is transferred, the person whose title is so transferred and the person to whom the same is transferred shall give notice of such transfer in writing to the Panchayat. In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased is transferred as heir or otherwise shall give notice of such transfer to the Panchayat.

(2) Whenever such transfer comes to the knowledge of the Panchayat either through a notice under sub-rule (1) or otherwise, if the Panchayat, after such enquiry as it may deem fit, is satisfied of such transfer, it shall substitute the name of the

transfer in the Panchayat registers for that of the person primarily liable as aforesaid.

(3) Any person guilty of a breach of sub-rule (1) shall, on conviction, be punished with fine which may extend to twenty-five rupees".

[No. DPC 7 VTF 63].

By Order and in the name of the Governor of Mysore,

103 SYED GULAM KHAJA, *Under Secy.*

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore dated 23rd June 1965.

S. R. 572.—The following draft rules which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (i) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act XVI of 1939), further to amend the Mysore Agricultural Produce Markets Rules, 1947, is hereby published as required by sub-section (4) of Section 6 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after 12th August 1965.

Any objections or suggestions which may be received from any person by the State Government with respect to the above draft, before the date specified above will be considered by the Government. The objections or suggestions may be sent to the Secretary to the Government of Mysore, Development, Panchayati Raj and Co-operation Department, Vidhana Soudha, Bangalore-1.

1. Title.—These rules may be called the Mysore Agricultural Produce Markets (1st Amendment) Rules, 1965.

2. Amendment of rule 4.—In clause (a) of sub-rule (1) of rule 4 of the Mysore Agricultural Produce Markets Rules 1947, for the words "known as the Agricultural Produce Market Yard" the words "declared by the Government by notification in the official Gazette to be the Agricultural Produce Market Yard" shall be substituted.

[No. DPC 253 CMD 64.]

By Order and in the name of the Governor of Mysore,

L. S. GAI, *Under Secy.*

REVENUE SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 22nd June, 1965.

G. S. R. 573.—The following draft rules amending the Mysore Land Revenue Rules, 1964, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 197 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th July, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

1. Title:—These rules may be called the Mysore Land Revenue (Amendment) Rules, 1965.

2. Amendment of rule 20 :—In rule 20 of the Mysore Land Revenue Rules, 1964 (hereinafter referred to as the principal rules), for the brackets and figures "(iii)", the brackets and figure "(2)", shall be substituted; and for the figures and words "10. Jantries for Dry, Wet and Garden", the figures and words "10. Jantries for Dry land, Wet land, Garden land or Plantation land" shall be substituted.

3. Amendment of rule 21.—In rule 21 of the principal rules, in sub-rule (i), the brackets and words "(Pot and Mot)" occurring in entry 2 relating to books and forms shall be omitted.

4. Amendment of rule 32.—In rule 32 of the principal rules, for the words "and the date from which the land revenue shall be levied according to such rates", the words "and after the publication of such notice, the State Government shall by notification issued under section 122 specify the date from which the land revenue shall be levied" shall be substituted.

5. Amendment of rule 33.—In rule 33 of the principal rules,—

(1) in sub-rule (1), for the words "the Deputy Commissioner shall cause a notice", the words "and after the issue of a notification under section 122 specifying the date from which the land revenue shall be levied, the Deputy Commissioner shall cause a notice in Form E1" shall be substituted; and

(2) in sub-rule (2), after the words "a notice" the words, letter and figure "in Form E2" shall be inserted.

6. Substitution of new Form E.—In the principal rules for Form E, the following Form shall be substituted namely;—

"FORM E

(Rule 32)

NOTICE

Whereas in pursuance of section 121 of the Mysore Land Revenue Act, 1964 the Government of Mysore has directed in Order No..... dated..... .....that the settlement reports of the several Zones be given effect to;

Now, therefore, in exercise of the powers conferred by section 122 of the said Act read with rule 32 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates for each of the several groups, in each of the several zones, as indicated in the Table below shall be the rates for purposes of assessment of land revenue:

TABLE

Zone number	Group number	Standard rates			
		Dry land	Wet land	Garden land	Plantation land

By Order and in the name of the
Governor of Mysore,

.....

Secretary to Government,
Revenue Department."

7. Insertion of new Forms E1 and E2.—In the principal rules, after Form E, the following forms shall be inserted, namely :—

"FORM E1

[(*See* rule 33(1)]

Whereas in pursuance of rule 32 of the Mysore Land Revenue Rules 1964, the Government of Mysore has published a notice in the *Mysore Gazette*, dated.....specifying the standard rates for each of the several groups in each zone ;

And whereas in pursuance of section 122 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore has in Notification No. ..... dated..... ... specified..... .....as the date from which land revenue shall be levied ;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates for each class of land in.....village

.....taluk.....District, comprised in group No.....of Zone No.....as indicated in table below shall apply for purposes of assessment of land revenue and the land revenue according to the revised rates shall be levied from.....

TABLE

Particulars of the village	Standard rate			
	Dry land	Wet land	Garden land	Plantation land
1 ..... Villages				
2 .....Taluk				
3 ..... District				
4 Group number.....				
5 Zone number.....				

.....

Deputy Commissioner,
District.

FORM E9

[(*See* rule 33(2)]

Whereas in pursuance of rule 32 of the Mysore Land Revenue Rules, 1964, the Government of Mysore has published a notice in the *Mysore Gazette* dated.....specifying the standard rates for each of the several groups in each zone ;

And whereas in pursuance of section 122 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore has in notification No..... dated..... .....specified .....as the date from which land revenue shall be revised ;

Now, therefore, in exercise of the powers conferred by sub rule (2) of rule 33 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates for each class of land in the different villages comprised in .....Taluk, in..... District, as indicated in the table below shall apply for purposes of assessment of land revenue and the land revenue according to the revised rates shall be levied from.....

TABLE

Zone number	Group number	Village	Standard rates			
			Dry land	Wet land	Garden land	Plantation land

.....

Deputy Commissioner,

.....District.

[No. RD 114 SST 65.]

By Order and in the name of the Governor of Mysore,

B. S. SRIKANTIAH, *Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

NOTIFICATION

Bangalore, dated the 9th March 1965.

G.S.R. 574. The following draft of the Mysore Warehouses Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 34 of the Mysore Warehouses Act, 1962 (Mysore Act 11 of 1962), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 9th day of August, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the aforesaid date, will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government, Development, Panchayati Raj and Co-operation Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

THE MYSORE WAREHOUSES RULES

In exercise of the powers conferred by Section 34 of the Mysore Warehouses Act, 1961 (Mysore Act No. 11

of 1962), the Government of Mysore are pleased to make the following Rules, namely :—

I. Preliminary

1. Title.—These Rules may be called the Mysore Warehouses Rules, 1965.

2. Definitions.—In these Rules unless the context otherwise requires,—

(1) "Act" means the Mysore Warehouses Act, 1962;

(2) "Appellate Authority" under section 29 means the State Government in respect of appeals preferred against the decisions of the prescribed authority;

(3) "Form" means forms appended to these Rules;

(4) "Grader" means a person licensed under the Act to classify the goods according to grade or otherwise and issue a certificate;

(5) "Licence" means a licence issued under the Act by the Prescribed Authority;

(6) "Negotiable Receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the bearer or to the order of named person;

(7) "Non-Negotiable Receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the person who tendered the goods to the Warehouseman for storing in the Warehouses;

(8) "Prescribed Authority" means the Chief Marketing Officer in Mysore;

(9) "Sampler" means a person licensed under the Act to sample the goods and issue a certificate thereof;

(10) "Section" means a section of the Act;

(11) "Weigher" means a person licensed under the Act to weigh goods and issue a certificate of weighment;

(12) "Year" means the official year commencing from the first day of April and ending with the 31st day of March next following.

II. LICENCES.

3. **Application for Licences.**—(1) Applications for taking out a licence under section 4 and for its renewal under section 6 shall be made to the Prescribed Authority in Form No. 1 and an application for issue of a duplicate licence under section 11 in Form No. 2. The application shall be signed by the applicant and he shall be bound to supply such additional information as may be required by the Prescribed Authority for the purpose of ascertaining whether the conditions specified in section 5 are satisfied.

(2) The application for licence for the first time shall be made at any time during the year and shall be accompanied by the fee as laid down in rule 4. The renewal of licences shall be made every year at least one month prior to the commencement of the year for which it is required and shall be accompanied by the fee specified in rule 8.

(3) A person desiring to conduct the business of a Warehouseman in more than one village or town shall submit separate applications for licences in respect of his business in each such village or town. In case he has more than one place of business in the same village or town, he may apply for only one licence in respect of all such places of business, provided that he specifies which of them will be his principal place of business :

Provided further that in case of Warehouses run by the Corporation established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, or the Warehousing Corporations Act, 1962, no separate licence shall be necessary for godowns opened within a radius of four miles of a licensed warehouse centre or within the municipal limits of the centre.

4. **Scales of fee grant of Licence.**—(1) The Scale of annual Fees payable for the grant of a licence under section

4 to a Warehouseman for the conduct of his business shall be as follows : —

(1) Warehouses having a storage capacity up to seven hundred cubic metres.	Fifty rupees.
For every additional twenty-five cubic metres or fraction thereof of storage capacity.	One rupee.
(2) The fee payable for the grant of a duplicate licence under section 11 shall be five rupees.	

(5) Terms of licence.—A licence under section 5 shall be granted subject to the following conditions :—

(i) Every Warehouseman shall have and maintain in respect of each Warehouse for which the application for a licence has been made, net assets liable for the payment of any indebtedness arising from the conduct of the Warehouse at the rate of ten rupees per five cubic metres of storage capacity of the licensed Warehouse. Such assets may also consist of movable or immovable property of the required valuation. In case buildings, machinery or merchandice are included-among such assets, the Warehouseman shall keep them insured against loss or damage by fire with a company or companies approved by the Prescribed Authority ;

(ii) Immediately upon the receipt of the licence, the Warehouseman shall post the same and keep it posted until suspended or revoked, in a conspicuous place in the principal office where receipts issued by such Warehouseman are delivered to depositors ;

(iii) Whenever any of the circumstances mentioned in clause (c) or (e) of sub-section (1) of section 8 shall come into existence, it shall be the duty of the Warehouseman to notify immediately the authority granting the licence of the circumstance to the best of his ability ;

(iv) Every Warehouseman shall permit and accord facilities to the prescribed authority or any officer deputed

by it to inspect or examine a licensed Warehouse, its machinery and equipment, the goods deposited therein and the account books and records relating thereto during the usual hours of business.

6. Period of licence.—A licence shall be valid with effect from the date on which it is granted for the period ending on the 31st March following.

7. Security.—Every Warehouseman other than the Corporation referred to in the proviso to clause (d) of sub-section (1) of section 5, shall at the time of the application for licence either,

(*a*) furnish to the Prescribed Authority, security deposit in cash or Government securities assessed at the rate of five rupees per every three cubic metres of the storage capacity subject to a minimum of one thousand rupees and execute a bond in Form 3 for the observance of the conditions and obligations arising out of his business as a Warehouseman, or

(*b*) execute a bond with two sureties to the satisfaction of the Prescribed Authority for a like amount.

8. Fee for renewal and issue of licence.—The fee for renewal of a licence under section 6 shall be the same as that payable for the grant of a licence specified in rule 4.

9. Renewal and issue of duplicate licences.—The conditions for renewal of a licence or issue of a duplicate licence shall be the same as those prescribed for grant of a licence. The duplicate licence shall be granted on an indemnity bond being executed by the applicant indemnifying Government against any loss or damage which may be caused by any one using the licence lost by the applicant and shall bear on its face the number and date of original licence in lieu of which it is issued and shall be stamped "Duplicate".

10. Publication of the grant, suspension or cancellation of licences and list of Warehousemen and their Warehouses.—The names and location of Warehouses and the names and addresses of Warehousemen licensed under the Act as on the 1st day of April every year shall be published in the *Mysore Gazette*, before the 15th day of May of the same year. Subsequent suspension or cancellation of any licence shall also be published in the *Mysore Gazette*.

III. Deposit and Maintenance of Goods, etc.

11. Application for deposit and delivery of goods to Warehousemen.—The application for deposit of goods shall be made to a Warehouseman in Form No. 4 and the application for delivery of goods shall be made in Form No. 5.

12. Receipts.—Receipts shall be in Form No. 6 and shall specify the following particulars :—

(i) the period for which the goods are accepted for Storage ;

(ii) particulars showing the ownership of and liens, mortgages or other encumbrances on the goods covered by receipt ;

13. Information regarding persons authorised to sign receipts :—Every Warehouseman shall file in the office of the prescribed authority information regarding the names and addresses of persons, with their signatures, authorised to sign receipts on behalf of the Warehouseman and shall, as soon as possible, inform the perscribed authority in case such persons are changed. If new presons are authorised, information in respect of them shall also be supplied.

14. Non-Negotiable receipts :—Every Warehousemad who issues a non-negotiable receipt shall cause to be marken upon it the word 'Non-negotiable'

15. Issue of duplicate receipts :—(1) An application for grant of a duplicate receipt if the original is lost or

destroyed, shall be made by the depositor to the Warehouseman and shall be accompanied by :—

(*a*) an affidavit showing that the applicant is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, the circumstances in which the original receipt was lost or destroyed, and if lost, that diligent efforts had been made to find the receipt, without success ;

(*b*) a bond for an amount equal to double the value of the goods represented by the original receipts ; and

(*c*) a sum of five rupees.

(2) On receipt of the application under sub-rule (1), the fact that the receipt is lost or destroyed shall be notified by the Warehouseman once at least in local newspapers giving one week's clear notice of the issue of a duplicate thereof.

(3) After the expiry of the period referred to in sub-rule (2), a duplicate receipt shall be issued by the Warehouseman. Such duplicate receipt shall be stamped "Duplicate".

(4) After a duplicate receipt has been issued, the original receipt, if produced, shall not be acted upon.

(5) The cost of publication of notification in the local newspaper shall be met by the person who lost the Warehouse receipt.

16. Depositor to supply information regarding transfer of Receipts :—Every Depositor shall be bound to supply copies under his signature of any endorsement regarding transfer, mortgage or encumbrance of goods as may be recorded on the Warehouse receipt within forty-eight hours from the making of such endorsement.

17. Charges to be made by Warehouseman :—No Warehouseman shall levy or recover charges for his services

in excess of the schedule of charges filed by him along with his application for licence and approved by the prescribed authority from time to time :

Provided that in the Warehouses established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 or the Warehousing Corporations Act, 1962, the Corporation may charge two-thirds of the ordinary rates for the deposits received from the Co-operative Societies.

18. Maintenance of a Warehouse.—Every Warehouseman shall keep his Warehouse in such a manner as to satisfy the following conditions, namely :—

(i) The Warehouse shall be damp-proof, bird-proof and rat-proof ;

(ii) the Warehouse shall be repaired whenever necessary and shall be kept disinfected ;

(iii) the goods stored in the Warehouse shall be arranged and stored in such a manner as to render stock-taking and verification easy and effective ;

(iv) stocks shall not be stored touching the walls and a space of about 0.6 metres shall be left round each stock ;

(v) the stocks shall not ordinarily exceed 4.5 m × 4.5 m. in dimensions and shall not be more than 15 bags in height ;

(vi) the container and the contents of each container shall be ordinarily uniform and shall be as advised by the prescribed authority from time to time ;

(vii) all goods received for storage in the Warehouse shall be measured in cubic metres (length, breadth and height) or weighed, as the case may be, and such weight or measure shall be taken by a licensed weigher and such weight or measures shall be duly stencilled on such

container or labelled on each stock showing the date and quantity of weight or measure ;

(viii) the container or the stock shall bear the name of the depositor together with the distinctive mark, if any, in bold letters ;

(ix) Goods of different classes or grades or qualities shall be stored separately ;

(x) all leakages in roof, dampness in walls and floors during the monsoons shall be carefully watched and repaired in good time ;

(xi) all appliances in the Warehouse, such as scales, wieghts and measures maintained, shall be in conformity with the Mysore Weights and Measures (Enforcement) Act, 1958, and pokers and ladders shall be maintained correctly and in good condition.

19. Precaution against injury to goods.—Every Warehouseman shall keep the goods stored in his Warehouse reasonably clean at all times and free from straw, rubbish or accumulations of materials which may increase the risk of fire or interfere with the handling of the goods.

20. Manner of insuring goods.—Each Warehouseman shall insure the goods stored in the Warehouse in the following manner :—

(i) The Warehouseman shall keep such goods while in his custody as a Warehouseman insured with the Insurance Company named by the depositor provided this is in the list of companies approved for this propose by the Prescribed Authority, in his own name and to the extent as may be requested by the depositor, against loss or damage by fire, theft, riot or floods.

(ii) In the absence of any directions from the depositor, the Warehouseman shall insure the goods for an amount not less than the market

value of the goods on the date on which they were deposited in the Warehouse.

(iii) The goods deposited in a Warehouse shall not be insured with a company which is not on the list of companies approved for this purpose by the prescribed authority, provided that if the Corporation established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 or the Warehousing Corporations Act, 1962, has in operation its own scheme of indemnification or insurance, the Warehouseman of the Corporation shall insure goods under that scheme against loss or damage by fire or theft for an amount not being less than the market value of the goods on the day they were deposited in the Warehouse.

(iv) If at any time loss or damage by fire, theft, riots or floods occurs at or within a Warehouse, it shall be the duty of the Warehouseman to report within twenty-four hours to the Prescribed Authority, the depositor and the insurance company the occurrence of such fire or accident and the extent of loss or damage.

21. Recovery of Insurance charges.—Every Warehouseman shall be entitled to recover from the depositor of goods or its owner the insurance premia and other out of pocket expenditure incurred by him for insurance goods stored in his Warehouse.

22. Classification of goods.—(1) Every Warehouseman shall keep the goods stored in his Warehouse in an orderly manner so as to permit easy access to all lots and to facilitate inspection, sampling, counting and identification of each lot.

(2) Whenever the quality, standard or grade of any of the goods stored in a Warehouse is stated or is required to be stated for the purposes of the Act, it shall be in

accordance with the quality, standards or grades, if any, determined for the particular goods by the prescribed Authority from time to time.

23. Notice of loss or damage to goods.—If at the time of taking delivery of the goods deposited, the depositor finds that the goods are lost or damaged he shall give a notice in writing with full particulars of the loss or damage of goods to the Warehouseman forthwith at the time of delivery. A copy of the notice shall also be sent to the perscribed Authority. No claim against the Warehouseman shall be valid if the notice of loss or damage has not been given by the depositor. Similar notice for claim for damages shall be given to the Warehouseman by the depositor in case the depositor comes to know of the loss or damage while the goods are deposited in the Warehouse.

24. Part delivery of goods.—If a Warehouseman delivers a part of the goods for which a negotiable receipt has been issued, he shall be bound to indicate clearly upon such receipt a statement of the goods or packages which have been so delivered. On his failure to make such statement the Warehouseman shall be liable for failure to deliver all the goods specified in the receipt to any one who purchases the receipt in good faith and for valuable consideration whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

25. Maintenance of books, records, etc.—Every Warehouseman shall maintain—

(i) A Stock Register in Form No. 7.

(ii) A Ledger for each Depositor in Form No. 8.

(iii) A general insurance account in Form No. 9.

26. Auction sale of goods deteriorating or about to deteriorate in a Warehouse.—Before effecting sale by public auction under sub-section (2) of section 15, of goods stored in Warehouse which have deteriorated ; the Warehouseman shall, if practicable, issue a notice to the depositor indicating

the date, time and place of auction. The notice shall also be exhibited on the notice board of the local Regulated Market Committee in case the Warehouse is situated in a Regulated Market Area. Copies of the notice shall also be sent to the prescribed Authority.

27. Accounting of proceeds of auction sale.—Every Warehouseman shall be bound to render to the depositor correct accounts and tender to him payment of the sale proceeds of goods realised after the auction sale after deducting all charges legally due to him including all reasonable charges for the removal of goods and sale by public auction within a period not exceeding fifteen days from the date of such sale. He shall be bound to make payment of the net proceeds of the sale to the depositor on surrender by him of the receipt duly discharged and on payment of all charges due to the Warehouseman.

28. Removal or transfer of goods by Warehouesman.—The Warehouseman shall remove any goods stored in the Warehouse or transfer them to another Warehouse, provided the cancellation of the existing receipt and issuing of a new receipt is effected immediately after the transfer is effected.

IV. Weighers, Samplers and Graders.

29. Application for Licences by Weighers, Samplers and Graders.—(1) Applications for grant of licences as Weighers, Samplers and Graders may be made by persons who possess the qualification specified in sub-rule (2) and every such application shall be accompanied by a fee of five rupees and shall be made in writing in Form No. 10 to the prescribed authority.

(2) Every Weigher, Sampler or Grader shall possess the minimum qualification specified below :

(i) A Weigher shall be a literate person knowing the reading and writing of Kannada.

(ii) A Sampler or Grader shall have passed the VIII Standard.

(3) The prescribed Authority may after such enquiry as he deems fit, grant the licence applied for in Form 11 on execution of an agreement by the applicant in such form as may be determined by the Prescribed Authority agreeing to conform with these rules and the conditions specified in sub-rule (4).

(4) Every licensee under sub-rule (3) shall be bound to comply with the following conditions, namely :—

(i) Every Weigher, Sampler or Grader licensed under sub-section (1) of section 23 shall keep books in such forms and render such prescribed returns and at such times and in such forms as the Prescribed Authority may from time to time direct ;

(ii) Every Weigher, Sampler or Grader, shall possess such equipment as may be specified by the Prescribed Authority ;

(iii) Every licensed Weigher, Sampler or Grader when plying his trade, shall wear a distinguishing badge of a suitable pattern provided by the Prescribed Authority. A deposit of not less than one and not more than five rupees to cover the cost of the badge shall be paid by such Weigher, Sampler or Grader to the Prescribed Authority ;

(iv) No licensed Weigher, Sampler or Grader shall recover charges excluding the rates laid down by the Prescribed Authority from time to time ;

(v) No licensed Weigher, Sampler or Grader shall enter the service of another person or do business other than that for which he holds a licence.

(5) Notwithstanding anything contained in sub-rule (3), the Prescribed Authority may refuse to grant a licence to any person who in his opinion, is not solvent or whose

operations are not likely to further the efficient working of the Warehouse.

Provided that no solvency certificate for the grant of licence shall be necessary in the case of a Weigher or Sampler who is an employee of a Warehousing Corporation established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 or the Warehousing Corporations Act, 1962.

30. Period of licences granted to Weighers, Samplers and Graders.—A licence issued to a Weigher, Sampler or Grader shall remain in force from the date on which it is granted till the 31st March following.

31. Certificate to be issued by the Weighers, Samplers or Graders.—The certificates to be issued by Weighers, Samplers or Graders shall be in Form No. 12.

32. Renewal of licences of Weighers, Samplers and Graders.—Applications for renewal of licences issued to Weighers, Samplers and Graders shall be made at least one month prior to the termination or expiry of the licences and shall be accompanied by a fee of five rupees. The conditions for renewal of a licence shall be the same as those on which a new licence is issued.

33. Issue of duplicate licence to Weighers, Samplers and Graders.—If the original licence is lost, destroyed, torn, defaced or otherwise becomes illegible, a duplicate thereof shall be issued on payment of a fee of five rupees and such duplicate licence shall be stamped 'Duplicate'

34. Suspension or cancellation of licence of Weighers, Samplers and Graders.—The prescribed authority, may, for reasons to be recorded in writing, and after following the procedure laid down in sub-section (3) of section 24, suspend or cancel the licence granted to any weigher, sampler or grader if he contravence any of the conditions of the licence or of these rules, or if in the opinion of the

prescribed authority his continuance as a licensee is likely to be detrimental to the working of the Warehouse.

35. When a Warehouseman may determine weight, grade or Class of Goods.—In areas where there are no weighers, Graders or Samplers licensed under the Act, the weight, grade, class or quality of the goods covered by a receipt shall be as determined by the Warehouseman.

V. Miscellaneous

36. Return of Licences.—When a licence granted under the Act expires, or when it is suspended or cancelled by the prescribed authority it shall be returned to the authority within seven days of such expiry, suspension or cancellation.

37. Manner of giving notices.—(1) The notices to be given for cancellation of a licence under sub-section (1) of section 9 shall be for a period of not less than a week and shall be sent by registered post. If the Warehouseman does not show cause within the time specified in the notice, the prescribed authority shall decide the matter *ex-parte*.

(2) The notice to be given to the depositor under sub-section (1) of section 15 shall be for a period of not less than a week and shall be sent by registered post. Such notice shall be served on all persons who have an interest in the goods as may be known to the Warehouseman on the date of issuing the notice.

38. Use of standard weights and measures by Warehouseman.—Every Warehouseman shall use only such scales, weights and measures and weighing or measuring machines as are duly certified to be correct by an Inspector appointed for the purpose, under the Mysore Weights and Measures (Enforcement) Act, 1958. They shall be got verified and stamped once in every two years.

39. Hours of business of Warehouses.- Every Warehouse shall be made available for transacting Warehouse business as may be necessary for at least eight hours a day between the hours of 7-00 A.M. and 7-00 P.M. The actual hours when business can be transacted shall be conspicuously exhibited at each Warehouse.

40. Supply of reports by warehouseman.— Every Warehouseman shall, from time to time, make such reports as may be required by the prescribed authority concerning the condition and contents of the Warehouse and operation of his business as a Warehouseman.

FORM No. 1.

(*See* Rule No. 8)

Application for grant/renewal of Licence to the Prescribed Authority.

To..... .....

Sir,

I/We..... ....residing at.....Taluk..... ....District request that I/We may be granted a licence as a Warehouseman licence No.....granted to me/us for the storage of goods during/may be renewed for the year ending 31st March19 .....

2. I/We agree to abide by the terms and conditions of the licenee which may be granted/renewed ;

3. I/We have affixed Cash or Treasury Challan stamp in payment of the licence fee of Re.....

4. I/We undertake to execute the security bond of the required amount and in the manner prescribed under Rule 7 of the Mysore Warehouses Rules.

5. I/We have filed along with this application a schedule of charges that would be recoverable from the depositors of goods stored in the warehouse.

6. I/We agree to abide by the provisions of the Mysore Warehouses Act—1961, the Mysore Warehouses Rules, (1965) and also the terms and conditions regarding the maintenance of a Warehouse, etc., and any other administrative or other orders issued in regard to the business by the Prescribed Authority or such other officer as may be authorised by him in this behalf.

7. I/We enclose herewith a solvency certificate to the extent of Rs.....

8. I/We hereby solemnly declare that all information herein given is true to the best of my/our knowledge and that in case it proves to be untrue, I/we undertake to indemnify persons concerned in this business against any loss arising out of such false or untrue information.

9. I/We declare that each of the Warehouses specified below is suitable for storage of goods respectively mentioned against it and that it is in good condition.

Date :

Signature

Description of premises to be used as a Warehouse/Warehouses.

District.

1.	Village or Town.		
2.	House No.		
3.	Description of the Warehouse and of the rooms for storage.	Distinguishing letter or number or letter and number of each.	Detailed Description of each Purpose of.
4.	Carpet area and storage capacity.		
5.	Suitability regarding storage of goods for which it is to be used.		
6.	Quantities of variety of goods stored in the previous year.		
7.	Estimated quantity of goods to be stored during the period of licence.		

FORM No. 2

(*See* Rule 2)

Application for issue of duplicate licence to the prescribed Authority.

To

Sir,

I/We, ...residing at.....Taluk..... District.....request that my/our Warehouse licence No..... granted on.....for the period ending.....for the area has been lost/destroyed in the following circumstances :

(Here mention the circumstances under which the licence was lost or destroyed).

2. I/We.....therefore request you to grant me/us a duplicate licence on the same terms and conditions on which the aforesaid licence was granted.

3. I/We.....have affixed stamp in payment of fee of Rs. 5.

4. I/We hereby solemnly declare that the information herein given is true to the best of my/our knowledge.

Witnesses :

1.

2.

Date.

Signature

FORM No. 3.

(See Rule 7)

Form of Security Bond.

Whereas I/We ..... resident(s) of ..... Taluk .... District ... . have applied for grant of a licence as Warehousemen at ..... under the Mysore Warehouses Act, 1961 (Mysore Act No. II of 1962), subject to such conditions as may be laid down by the prescribed authority. I/We furnish herewith the security deposit of Rs. .... in cash/ Government securities in accordance with the rates prescribed in Rule 7 of the Mysore Warehouses Rules, for the observation of conditions and obligations arising out of my/our business as Warehousemen and agree that the amount of the security deposited by me/us under this bond shall be liable to be forfeited by Government in case of default of any of the conditions of the licence or breach of any of the provisions of the Act or the Rules and that the amount due under this bond shall be recoverable from me/us or my/our heirs or legal representatives as arrears of land revenue.

Signature of Warehousemen.

Signature of Witnesses.

We.....and.....of.....are sureties for the said.....and do hereby AGREE that in the event of the said .....making default in observance of the conditions and obligations arising out of his business as Warehouseman, the amount of security due under the said bond shall be RECOVERABLE by Government from us or our heirs or legal representatives jointly and severally.

Dated this ... .day of.....

(Signature of Sureties)

(Signature of Witnesses)

FORM No. 4

(See Rule 11)

Application for Deposit of Goods

To

....., the Warehouseman.

Dear Sir,

Please take delivery of the following goods :- -

Description of the goods	Number of packages, bags and quantities with distinguishing marks, if any	Measurement of/and weight	Market price	Total valuation of goods	Remarks if any

I certify that the goods abovenamed are my own property and no other person has any claim against them. (When an agent deposits the goods on behalf of a principal, the form should be as under).

I certify that the goods above mentioned are the property of..... and no other person has any claim.

Yours faithfully,

Depositor/Agent.

CERTIFIED that the written description of goods, their grade or quantity and weights and/or measurements and price have been verified by me and are correct.

Place.....

Date

Warehouseman's Signature.

FORM No. 5

[*See* Rule 11]

DELIVERY ORDER

To

.....Warehousemen.

Dear, Sir,

Please deliver the goods described below to self or to..... These goods were deposited with you on..... .....The deposit receipt granted by you accompanies.

DESCRIPTION OF GOODS TO BE DELIVERED

Description of Goods.	Number of packages etc.	Weight or/ and Measure-ment.	Market price	Special marks if any	Remarks

Yours faithfully,

Depositor

Received the above noted goods in.....condition.

Place.....

Date .....

Depositor.

FORM No. 5

[*See* Rule 12]

..... WAREHOUSING CORPORATION

Warehouse Receipt—Negotiable/Non-Negotiable.
(Serial No. of Receipt)

Number and Location of Warehouse .....
Warehouseman's Licence No.....Valid up to.....
Received from (Name and Address of the depositor) .....
....
Goods of the following description:

Kind	Class or Standard quality or lots and /or grade.	Number of packages	Net quantity in kg. by weight or measure.	Name and/or licence number of the weigher Grader/Sampler

Conditions of the goods :

(1) *Good*

(2) *Fair*

(3) *Average*

Private marks of the depositor on the packages if any .....
Rate of storing and other charges..... .....
Indemnified/Insured for fire/Theft Riots/other contingency with.....
.....if insured (Name of Insurance Co.....
.....For the amount of Rs.....
The goods are accepted for storage from.....To.....
Market rate at the time of deposit.....Valuation).....
Date.....

Signature of the Warehouseman or his agent.

The goods mentioned below are hereby released from the receipt for delivery from warehouse. Any unreleased balance of goods is subject to a lien for unpaid charges and advances on the released portion :—

Date	Quantity Released	Signature	Quantity due on Receipt

CONDITIGNS FOR STORAGE

1. *Tender for Storage:*—(*a*) All Goods for storage shall be delivered at the werehouse properly marked and packed for handling. In case the warehouseman considers it necessary to make a 'pala' standardise and change the packages, he will be entitled to do so and the depositors shall be liable to pay charges on the account. The Warehouseman may, at his discretion, refuse to accept goods which are in a condition not likely to stand storage. The Warehouseman shall give identity mark on each package.

(*b*) The word 'lot' as used herein means the unit or units of goods for which a separate account is to be kept by the Warehouseman. Delivery of all or any units of a lot shall be made without subsequent sorting except by special arrangement and in that event subject to a charge.

(*c*) The Warehouseman undertakes to store and deliver goods only in the pakages in which they are originally received, **unless otherwise provided by arrangement in writing between the depositor and Warehouseman.**

2. *Storage Charge* :—(*a*) Storage charge will be made on a monthly basis and number of days in excess of a month will be charged on weekly basis. Unless otherwise provided, where storage is for less than a month the charge will be for the whole month.

3. *Manner in which perishable or Deterioratory goods are to be dealt with* :—(*a*) Where goods are of perishable nature or by keeping will deteriorate greatly in value or injure other property, the warehouseman may give such notice as is reasonable and possible under the circumstances to the holder of the receipt for the goods, if the name and address of the holder is known to the Warehouseman or if not known to him, then to the depositor, requiring him to satisfy the lien upon the goods and to remove them from the warehouse, and on the failure of such person to satisfy the lien and to remove the goods within the time prescribed in the notice, the Warehouseman may sell the goods by public sale at the risk and cost of the depositor.

(*b*) If the Warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he may think fit, and shall incur no liability by reason thereof.

(*c*) The Warehouseman, shall, from the proceeds of any sale made pursuant to this provision, satisfy his lien and shall hold the balance, if any, in trust for the holder of the receipt.

4. *Delivery Requirements* :—(*a*) Instructions for delivery or transfer of goods shall always be in writing and signed by the depositor or his authorised agent.

(*b*) When a Warehouse Receipt has been issued, no goods covered by that receipt shall be delivered unless the receipt properly endorsed is surrendered for cancellation or for endorsement of partial delivery thereon.

(*c*) Should a Warehouse Receipt be lost or destroyed, goods covered by it shall not be delivered until the person lawfully entitled to possession of the goods, obtains and surrenders a duplicate receipt. The duplicate will be issued on such terms and conditions and on furnishing a bond to indemnify Warehouseman against any liability as provided under the Act and the Rules.

5. *Liability* :—(*a*) The Warehouseman undertakes to exercise reasonable care and diligence required by the law for keeping the goods.

(*b*) The Warehouseman's liability is limited to the value of goods on the date of deposit.

(*c*) Perishable goods or goods which are susceptible to damage through temperature or humidity changes are accepted only at owner's risk for such damage as might result from general storage conditions.

(*d*) The Depositor of goods shall examine the contents of goods at the time of taking delivery and shall give notice in writing with full particulars of the loss or damage, if any, caused to the goods, to the Warehouseman, forthwith at the time of taking delivery. A copy of the notice shall also be sent to the prescribed authority. No claim against the Warehouseman shall be valid if the notice of loss or damage has not been given by the depositor. Similar notice for claim for damages shall be given to the Warehouseman by the depositor in case the depositor comes to know of the loss or damage while the goods are deposited in the warehouse.

(*e*) The Warehoseman is not responsible for the usual and customary shrinkage in weight and effect on quality during storage due natural causes.

(*f*) The quality, condition, value and contents of goods are unknown to the Warehouseman except when specifically mentioned in the Warehouse Receipt.

6. *Schedule of Charges and Insurance* :—(*a*) Whenever provision is made in these contract terms and conditions for a charge or charges by the Warehouseman, such charge or charges will not exceed the Warehouseman's Tariff in effect at the time the charge accrues or the service is performed.

(*b*) The schedule of maximum tariff to be charged shall be that approved by the prescribed authority.

(*c*) (i) All goods stored in the warehouse will be insured against the risks of Fire, and Burglary. Against other risks prescribed under the Act, the goods stored shall be insured to the extent as may be

equested in writing by the depositor on payment of additional charges, for that purpose. Provided that where there is no State Warehousing Act in force or where it is permissible for this warehouse, this Corporation agrees to compensate the depositor, at the rate not exceeding the market rate of the goods at the time of the deposit, for any loss or damage which may be caused to them, during the period of deposit, by fire and burglary. Against other prescribed risks, if any, the Corporation agrees to compensate the depositor in the same manner, if request to that effect has been made by the depositor in writing and he has actually paid extra charges for the additional risks before the commencement of storage.

(ii) Notwithstanding anything contained in sub-clause (i) the corporation may in its discretion, insure the goods stored in its Warehouses for the same value as is specified in sub-clause (i) against Riot and Civil Commotion, if, in its opinion, there is an imminent danger thereof and shall, on doing so, be entitled to recover from the depositor charges in respect thereof in addition to the usual warehouse charges.

(*d*) When goods are transferred from one room to another or from one Warehouse to another, at the request of the depositor, a charge for handling and transport, if any, will be made.

(*e*) The Warehouseman may also transfer at his own expenses without notice, any goods in storage from one room to another in the warehouse provided transfer involves, no charge in the class of storage.

(*f*) Charges for handling, loading, unloading and extra services rendered in the interest of the depositor are to be paid or by the depositor of goods in addition to the usual warehouse charges.

FORM No. 7 (*See Rule 25*)

STOCK REGISTER

Special
Godown No.....
Situated at.....
Owners Name.....

If the godown is hired, period of hire from.....
to....., in whose name hired.

Rent Fixed.
Date payable.
Date paid.

Reference to policies of Insurance.....
Name of Cos. with whom insured.
Amounts for which insured.....

Date of Deposit	Name of person who deposited the goods	Description and Quantity of goods received and special mark on goods if any			Goods Receipt No.	Description of goods released or delivered			Delivery Order Number	Balance of Stock		
		Number of Units (a)	Weight and/or Measurement (b)	Grade or quality Standard (c)		Number of Units (a)	Weight or/and Measurement (b)	Grade or quality Standard (c)		Number of Units (a)	Weight or and Measurement (b)	Grade or quality Standard (c)
1	2	3			4	5			6	7		

Market price of goods on the date of deposit	Initials of the godown keeper for having received or delivered the goods	Initials of checking officer or the date of checking	Remarks if any, of the Inspecting Officer	Reference to Ledger
8	9	10	11	12

FORM No. 8 (*See Rule 25*)

DEPOSITORS LEDGER

Deposit No.
Name of the Depositor.
Address of the Depositor.
Name of operators or transferees.
Reference to specimen signature card.

Godown No.
Where stored
Godown
Registration
No.

Name of the Co.
Particulars of
Insurance
No. of policies.

Amount Period. Date of Expiry

Date of Deposit	Expenses of stocking or cleansing and charges of safe custody	Goods Receipts No.	Description of goods received			Description of goods released or delivered			Particulars of payment made by depositors	
			No. of packages or bags or quantity (Special mark on goods if any)	Weights and/or measurement	Grade or quality Standard	No. of packages or bags or quantity	Weight or/and measurement	Grade or quality Standard	Date of payment	Amount
1	2	3	4			5			6	

FORM No. 9

(*See* Rule 25)

General Insurance Account

Name of Depositor	Warehouse Receipt No.	Value of goods	Amount for which insured	Period of which insured	Name of Insurance Company with which insured	No. of Insurance Policy	Amount of Insurance Charge	Amount of out of pocket expenses	Remarks
1	2	3	4	5	6	7	8	9	10

Signature of Werehouseman.

FORM No. 10

(*See* Rule 29)

Application for license to Weight/Sample/Grade Commodity.

To

Sir,

I hereby supply under the Mysore Warehouses Act 1961 and the Rules Prescribed thereunder for a licence to * Weight/Sample / Grade and to certify the * Weight/Class/Grade of the * stored or to be stored in the following Warehouse licensed or for which application for license has been made under the Mysore Warehouses Act, 1961.

Name of Warehouseman	Name and/or Licence number of Warehouse	Location of Warehouse.

2. I agree to comply with and abide by the terms of the Act and the Rules so far as the same may relate to be.

3. I have attached a treasury receipt for the payment of the licence fee of Rs..... .....

(Questions to be answered by the applicant)

1. Full name ....
2. Residential Address ....
3. Date of Birth ....
4. Present Employment .....
5. Name and address of present eomployer—
6. How were you employed during the past five years ?
7. Have you ever been discharged from employment ? If so, give name and address of the employer and reasons for discharge.
8. Have you ever been licensed to perform services similar to those for which the licence is applied for ? If so, give details.
9. Have you ever performed services similar to those for which the licence applied for ? If so, give details.

10. Have you any Special qualifications ?

11. Are you physically fit the perform the duties of the post for which the licence is applied for ? Have pou any defect of sight or disease of the eye ?

12. Names and addresses of three persons who have personal knowledge of your qualifications (Two of them must be engaged in commercial concerns handling the products covered by the application).

I declare that the foregoing statements are true to the best of my knowledge and belief.

Place———————

Date ——————— Signature of the Applicant

* Score out what is not needed.

** Here enter the names of the goods.

FORM No. 11

(*See* Rule 29)

Form of Licence to Weigh/Sample/Grade.....Commodity.

Sl. No.

19..... Valid up to 31st March.....

Under sub-section (1) of Section 23 of the Mysore Warehouses Act, 1961, Sri.....Son of..... residing at.....of.....Taluk in the District of..... .. is hereby licensed to *Weigh/Sample/Grade and to certify to Weigh/Class/Grade of the.....stored or to be stored in the following Warehouse licensed or for which application for licence has been made under the said Act.

Name of Warehouseman	Name and Licence Number of Warehouse	Location of Warehouse
—	—	—

Conditions of Licence :

1. This licence shall be valid up to the 31st March.....
2. This licence shall be subject to the provisions of the Mysore Warehouses Act, 1961 and the Rules made thereunder.
3. This licence shall not be transferable.
4. The licence shall be produced whenever demanded by the *Prescribed Authority* or any other persons *authorised by him* in this behalf.

*Strike out what is not wanted.

/Here enter the names of the goods.

PORM No. 12

(*See* Rule 31)

(Form of Certificate to be issued by the Weigher, Sampler or Grader)

Weight/Grade Certificate	...
Name and location of the Warehouse in which the grain or produce is to be stored.	
Date of Certificate	...
Consecutive number of the Certificate	...
Weight of grain or produce covered by the Certificate.	
Kind of grain or produce covered by the Certificate.	
Grade and/or Weight of grain or produce as determined by licensed Weigher, Sampler or Grader.	

This Certificate is issued under the Mysore Warehouses Act, 1961 and the Rules made thereunder.

Signature of the licensed Weigher,
Sampler of Grader.

[No. DPC 2 CWH 64.]

Order and in the Name of Governer of Mysore,

S. RAMANATHAN,
Secretary.

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 15th March 1965.

G. S. R. 575.—The following draft of the Mysore Prohibition (Spirituous Preparations Manufacture, Sales and Accounts) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962) and in supersession of all rules, notifications, orders on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, is hereby published as required by sub-section (3) of Section 124 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 9th August 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft rules before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

THE MYSORE PROHIBITION (SPIRITUOUS PREPARATIONS MANUFACTURE, SALES AND ACCOUNTS) RULES, 1965.

1. **Title, extent and commencement.**—(1) These rules may be called the Mysore Prohibition (Spirituous Preparations, Manufacture, Sales and Accounts) Rules, 1965.

(2) These rules shall extend to all the areas of the State of Mysore where the Mysore Prohibition Act, 1961, is in force.

2. **Definitions.**—In these rules, unless the context otherwise requires,

(a) "Act" means the Mysore Prohibition Act, 1961;

(b) "Form" means a form appended to these rules;

(c) "licence" means a licence granted under these rules;

(d) "licensee" means a person or a firm or a company or society who has been granted a licence under these rules;

(e) "licensed premises" means premises in respect of which a licence has been granted and includes a warehouse of the licensee approved by the Deputy Commissioner;

(f) "Medical prescription" means a prescription issued in writing by a registered medical practitioner;

(g) "Registered Medical Practitioner" means a medical practitioner registered under the..... ..... Act:

(h) "Spirituous Preparation" means,

any Medicinal or Toilet Preparation containing Alcohol, or

any antiseptic preparation or solution containing alcohol, or

any flavouring extract, essence or syrup containing alcohol; and

which is determined to be fit for use as intoxicating liquor by the Government under Section (7) of the Act;

(i) "Spiritu us Medicinal Preparation" means any medicinal preparation in liquid form containing alcohol which is fit for use as intoxicating liquor;

(j) "Spirituous Toilet Preparation" means liquid toilet preparations containing alcohol which are fit for use as intoxicating liquors.

PART I

MANUFACTURE.

3. Application for a licence to manufacture Spirituous Preparations.— 1) Any person desiring to manufacture spirituous prepartions shall apply to the Deputy Commissioner for alicence in that behalf.

(2) The application shall contain the following particulars, namely :—

(i) Name and address of the Applicant ;

(ii) Location of the premises where spirituous preparations will be manufactured with the name of the building and the name of the street, city, town or village as the case may be;

(iii) Names of spirituous preparations intended to be manufactured and their detailed formula ;

(iv) Names of the ingredient to be used in the manufacture of spirituous preparation;

(v) Details of the process of manufacture ;

(vi) Whether the applicant carried on the business of manufacturing spirituous preparations in the past and if so when and where.

(vii) Whether the applicant holds licences under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955) and the Drugs Act, 1940 (23 of 1940) and if so their numbers.

4. Grant of Licence.—(1) On receipt of the application under rule (3) the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he shall forward the application with his remarks to the Commissioner who may if he deems proper, accord approval to the manufacture of spirituous preparations specified in the application and return the application to the Deputy Commissioner. The Deputy Commissioner

shall in accordance with the Commissioner's orders grant the applicant a licence in S. P. on payment of a fee of Rs. 100 provided that where the spirituous preparation in respect of which the licence is applied for, is merely Ayurvedic preparation in which alcohol not exceeding 2% volume by volume is slef generated a licence shall be granted on payment of a fee Rs. 25 only.

(2) No licence in Form S. P. shall be granted unless :—

(i) the applicant has executed a bond for payment of Excise duty on the spirituous preparations manufactured and stored in bond at the licensed premises as prescribed in these rules;

(ii) the applicant has undertaken to pay every quarter in advance the cost of the supervisory staff appointed by the Commissioner to supervise the operations in the manufactory.

5. Licensee not to Manufacture certain Preparations.—(1) Except with the previous approval of the Commissioner Commissioner the licensee shall not manufacture any spirituous preparations other than those specified in his licence. He shall not manufacture any spirituous preparation except according to the process if any laid down in his application and or approved by the Commissioner.

(2) The possession, transport and import of Rectified Spirit by the licensees under these rules will be governed by the Mysore Prohibition (Rectified Spirit) Rules, 1963.

PART II

SALE

6. Application to sell Spirituous Medicinal Preparations.—Any person desiring to sell spirituous medicinal preparations shall apply to the Deputy Commissioner for a licence in that behalf. The application shall contain the following particulars, namely :—

(*a*) Name and address of the Applicant;

(*b*) Location of the shop or premises where spirituous medicinal preparations will be sold with the name of the building and the name of the city, town or village as the case may be ;

(*c*) Whether the applicant held any licence in the past to sell any kind of spirituous preparations. If so, the year and the period during which such licence was held.

7. Grant of Licence:—On receipt of the application under rule 6 the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may, grant the license in Form S. P. on payment of a fee of Rs. 25.

8. Sale of Spirituous Medicinal Preparations.—(1) The licensee shall not sell any spirituous medicinal preparations to any person unless such person produces a medical prescription in that behalf, or holds a licence granted under these rules or is in charge of hospital or dispensary or is a registrered medical practitioner, or is an Inspector appointed under the Drugs Act, 1940.

(2) All sales will be subject to the issue of invoices, the originals of which shall be sent with the consignments and the duplicates shall be preserved by the licensee for a period of one year from the date of sale. The cash memo or invoice shall show the name and address of the purchaser and the particulars of the spirituous medicinal preparations sold.

(3) No licensee shall transport any spirituous medicinal preparations exceeding ½ K. G. in quantity except under a vaild transport permit.

9 Preservation of the Prescriptions:—The licensee shall preserve all medicinal prescriptions presented to him for the purchase of the spirituous medicinal preparations for a period of one year from the date of the sale.

10. Transport, Import and Export of Spirituous Medicinal Preparations:—(1) Any licensee desiring to transport, import or export any spirituous medicinal preparation in excess of ½ K. G. shall make an application for the grant of a permit to the Deputy Commissioner within whose jurisdiction the licensed premises of the licensee selling such preparations is situated. The application shall be submitted to the Deputy Commissioner through the Prohibition and or Excise Officer and shall contain the following particulars, namely :—

(i) The name and address of the Applicant,

(ii) The kind of licence held by him and its number and date;

(iii) The names and quantities of spirituous medicinal preparations required to be transported, imported or exported ;

(iv) The purpose for which the spirituous medicinal preparations are to be transported, imported or expected ;

(v) The place from which spirituous medicinal preparations are to be transported, imported or exported ;

(vi) The place to which spirituous medicinal preparations are to be transported, imported or exported ;

(vii) The name of the person authorised to transport, import or export ;

(viii) Route (state what portion of the transport, import or export will be by road, what portion by rail and what portion by air) ;

(ix) The period for which the permit is required.

(*b*) On receipt of an application under sub-rule (a) the Prohibition and or Excise Officer, as the case may be, will make such enquiries as he may deem necessary and then forward the application to the Deputy Commissioner with his recommendation. If the Deputy Commissioner is satisfied that there is no objection to grant the permit to the applicant, he may, grant him a permit in Form S.P. III,

S.P. IV or S.P.V., as the case may be, on payment of a fee of Re. 1.

(*c*) The permit shall be in four parts and each part shall be dealt with as under :

Part I shall be kept on the record of the Deputy Commissioner, or other authorised Officer granting the permit. Part II shall be forwarded to the licensee from whom spirituous medicinal preparations are to be obtained.

Part III shall accompany the consignment of spirituous medicinal preparations and will be filed thereafter by the licensee who receives the consignment. Part IV shall be forwarded to the Prohibition and or Excise Officer of the place to which the spirituous medicinal preparations are to be sent.

(*d*) All applications for import permits shall be accompanied by a challan for having credited duty on the alcoholic content of the preparations.

PART III

LICENSES TO REGISTERED MEDICAL PRACTITIONERS AND PERSONS IN CHARGE OF HOSPITALS AND DISPENSARIES FOR DISPENSING SPIRITUOUS MEDICINAL PREPARATIONS.

11. Application for Licence.—Any registered medical practitioner or any person in charge of a hospital or dispensary desiring to dispense spirituous medicinal preparations may apply to the Deputy Commissioner for a licence for dispensing such preparations.

The application shall contain the following particulars, namely :—

(*a*) Name and address of the applicant :

(*b*) Where the applicant is a registered medical practitioner, his registration number and the name of the authority by which he has been registered ;

(*c*) Where the applicant is a person in charge of a hospital or dispensary his designation and the name of the hospital or dispensary of which he is in charge.

12. Grant of License.—On receipt of an application under rule 11, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may grant the license in Form S. P. VI on payment of a fee of Re. 1.

PART IV

13. Application for a License:—Sale of Spirituous Toilet Preparations.—Any person desiring to sell Spirituous Toilet Preparations may apply to the Deputy Commissioner or other authorised officer for a license to sell such preparations. The application shall contain the following particulars, namely:—

(*a*) Name and address of the applicant.

(*b*) Location of the shop or premises where the Spirituous Toilet Preparations will be sold with the name of the building, street, town, or village as the case may be.

(*c*) Whether the applicant held any license in the past to sell any kind of Spirituous Toilet Preparations, and if so the period during which such license was held.

14. Grant of License.—On receipt of the application under rule 13, the Deputy Commissioner may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the license applied for, he may grant the license in Form S.P. VII on payment of a fee of Rs. 25.

15. Kind of Spirituous Toilet Preparations which cannot be kept or sold.—The licensee shall not keep in his licensed premises any Spirituous Toilet Preparations which have not been lawfully imported, transported, or obtained.

16. Transport, Import and Export.—The transport, import and export of Spirituous Toilet Preparation by any licensee shall be in accordance with the provisions of rule 10 of these rules.

17. Sale how made —All sales of Spirituous Toilet Preparations shall be made subject to the issue of a cash memo or an invoice. The original of such cash memo or invoice shall be sent along with the consignment and the duplicate shall be preserved by the licensee for a period of one year from the date of sale. The cash memo or invoice shall show the name and address of the purchaser and the quantity of Spirituous Toilet Preparations sold by the licensee.

PART V

Sale of Antiseptic preparations, Flavouring Essences and other preparations:

18. Application for License to sell Antiseptic Flavouring and other Preparations —Any person desiring to sell antiseptic preparations, flavouring essences and other preparations may apply to the Deputy Commissioner or other authorised officer for a license in that behalf. The application shall contain the following particulars, namely:—

(*a*) Name and address of the applicant;

(*b*) Location of the shop or premises where antiseptic preparations, flavouring essences and other perparations shall be sold with the name of building, street, city, town or village, as the case may be.

(*c*) Whether the applicant held any license in the past to sell any kind of anti-septic preparations, flavouring essences and other preparations and if so the year and the period during which such license was held.

19. Grant of License.—On receipt of the application under rule 18, the Deputy Commissioner or other authorised Officer may make enquiries for verification of details stated

in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to the license applied for, he may, grant the applicant a licence in Form S.F. VIII on payment of a fee of Rs. 25.

20. Sale how made.—All sales of anti-septic preparations, flavouring essences and other preparations shall be made subject to the issue of a cash memo or an invoice. The original copy of such a cash memo or invoice shall be sent along with the consignment and the duplicate shall be preserved by the licensee for a period of one year from the date of sale. The cash memo or invoice shall show the name and address of the purchaser and quantity of anti-septic preparations flavouring essences and other preparations sold by the licensee.

21. Transport, Import and Export.—The transport, import and export of anti-septic preparations, flavouring essences and other preparations by any licensee shall be in accordance with the provisions of rule 10 of these rules.

PART VI

General Provisions

22. Duration of License.—No licenses under these rules shall be granted for a period beyond the 31st of March next following the date of the commencement of the License.

23. Regulation of Business of License —(*a*) A licensee under these rules shall carry on his business under the license either personally or by an agent or servant duly authorised by him in that behalf.

(*b*) Every agent or authorised servant shall hold a nowkarnama granted to him by the licensee and bearing the licensee's signature.

(*c*) The licensed premises and all spirituous preparations therein contained shall at all times be open to inspection by any officer empowered under section 101 of the Act.

(*d*) The licensee shall, when so required by any rohibition and or Excise Officer duty authorised by the eputy Commissioner or other authorised Officer give an explanation in writing regarding any irregularity detected in his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also allow any officer authorised in that behalf to take samples of any perparations not exceeding 1/10 of a litre or 1/10 k. g. as the case may be, free of cost for analysis if required by such officer for that purpose.

(*e*) The licensee shall maintain an inspection book paged and stamped with the seal of the Deputy ommissioner or other authorised Officer, in which Inspecting Officers may record any remarks when inspecting the licensed premises. The licensee shall shall on the termination of the period of the licence deliver the inspection book, licence and accounts to the Prohibition and or Excise Officer having jurisdiction over the licensed premises.

(*f*) No person shall be recognised as a partner of the licensee for the purpose of this licence unless the partnership is declared to the Deputy Commissioner before the licence is granted and the name of the partner entered jointly in the licence or if the partnership is entered after the granting of the licence, unless the Deputy Commissioner agrees on application made to him, in that behalf to alter the licence and to add the name of the partner in the licence.

(*g*) Except with the permission of the Deputy ommissioner or other authorised Officer the licensee shall not sell, transfer or sublease the rights granted to him under any licence nor shall he in the said connection, enter into any agreement or arrangement which is in the nature of a sublease. If any question arises whether any such agreement or arrangement is in the nature of a sublease, the decision of the Deputy Commissioner on such question shall be final and binding on the licensee.

24. Licensee shall abide by the provisions of the Act.—All licensees shall abide by the provisions of the Act, rules, regulations and orders made thereunder.

25. Accounts and Returns.—(*a*) Every person holding a licence in Form S. P. I. shall maintain day-to-day accounts of alcohol received and used, in the manufacture of spirituous preparations and the closing balance in Form S. P. IX.

(*b*) He shall also maintain day-to-day accounts of preparations containing alcohol manufactured by him in Form S. P. X. and an account of issues in Form S. P. XI.

(*c*) All persons holding licences in Form S. P. II shall maintain accounts in Form S P XII and submit the monthly returns in Form S. P. XIII.

(*d*) All persons holding licences in Form S. P. VII shall maintain accounts in Form S. P. XIV and submit the monthly returns in Form S. P. XV.

26. Breaches of Rules, etc.—(*a*) Infraction of any of the conditions of the license or the rules is punishable by the D. C. with a penalty not exceeding Rs. 100.

(*b*) The levy of such penalty will be without prejudice to the right to prosecute the licensee and or his agent or servant under any provisions of the Act, rules, regulations and orders made thereunder.

FORM S. P. I

(*See* Rule 4(a))

A license to manufacture in bond of spirituous preparations not unfit for use as intoxicating liquors.

License No.

Licence is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules, regulations, and orders made thereunder to.....residing at..... (hereinalter Called as "The Licensee)" authorising him to manufacture in Bond Spirituous preparations specified in column (2) appearing herein below (hereinafter Called as "The Preparations") at the premises situated at.....(hereinafter called "The licensed premises") on payment of a fee of Rs. 100 during the period from.....to.....(both days inclusive) on the following conditions namely:—

CONDITIONS.

1. The licensee shall not manufacture the spirituous preparations at any place other than the licensed premises.

2. The licensee shall not without the previous approval of the Prohibition Commissioner manufacture any preparations other than those specified below:—

1.....
2.....
3.....
4.....
5.....
6.....
7.....
8.....

3. The licensee shall not use, keep or have in his possession or allow any person in his employ or under his control to use, keep or have in his possession any material or utensil for the purpose of distilling spirit except with the previous approval of the Prohibition Commissioner.

4. The licensee shall use the same materials and ingredients and shall adopt the same process of manufacturing the spirituous preparations as were communicated by him in his application for

the license and approved by the Prohibition Commissioner. No change in the materials, ingredients or process shall be made without the previous permission of the Prohibition Commissioner. A copy of the process signed by the licensee and countersigned by the Prohibition Officer shall be kept with this license.

5. The licensee shall not manufacture any of the spirituous preparations specified in this licence except under the supervision of the Prohibition and or Excise Officers as may be appointed by the Prohibition Commissioner.

6. The Prohibition Commissioner may appoint such Prohibition and or Excise Staff at the licensed premises for supervision as he deems necessary.

7. The licensee shall pay to the Government in advance at the beginning of each quarter commencing from the date of the license such cost of the supervisory staff, if any as may be fixed by the Prohibition Commissioner. (The cost should be specified).

8. The Licensee shall give at least three months notice of his intention to surrender his license or discontinue the manufacture of spirituous Preparations.

9. The licensee shall not carry on the operations of manufacture after 5-30 P M. and before 8-30 A.M. nor shall he carry on any day the said operations between 1 P.M. and 2 P.M. nor on Sundays and public holidays sanctioned by the Government

10. The licensee shall pay overtime allowance to the supervisory staff, should he carry on the operations of manufacture on days and times beyond those permitted under the preceding condition. The rates of overtime allowance to be paid shall be as follows :—(The rates should be indicated here).

11. The licensee shall, as soon as the manufacture of any spirituous preparation is finished, put it in corked bottles, jars, carboys, casks, drums or other containers sealed and ready to be placed on sale, duly labelled with a label correctly showing the manufacturer's name, the place of manufacture, the name of the preparation and its spirit contents.

12. The licensee shall maintain accounts in Form S. P. 9, S. P. 10 and S. P. 11. appended to the Mysore Prohibition (Spirituous preparations manufacture, sale and accounts) Rules, 1963.

13. (1) The licensee shall carry on the operations of manufacturing the spirituous preparations whether personally or through an agent or servant, duly authorised by him in this behalf by a written nowkarnama signed by himself and countersigned by a Prohibition and or Excise Officer :

Provided that any such nowkarnama signed by the licensee shall be valid until such countersignature is refused :

Provided further that no such nowkarnama shall be necessary for the coolies and workmen employed by him to assist him in the manufacture of the preparations.

14. The licensee shall not sell, transfer or sublet the right to manufacture granted by this licensee, nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Deputy Commissioner is of the nature of a sub-lease.

15. The licensee, his heirs, legal representatives or assigns shall have no claim whatsoever to the continuance or renewal of this license after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignee of the licensee, in case of sale or transfer or the heir or legal representatives of the licensee, in case of death, to have the benefit of the license for the unexpired portion of the term for which it is granted.

16. This license may be suspended or cancelled in accordance with the provisions of section 45 and 47 of the Mysore Prohibition Act.

Granted this.....day of.....19

Deputy Commissioner,

Seal .....District.

FORM S. P. II

(See Rule 7)

License No. ..... District

License for the sale of Spirituous Medicinal Preparations.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act 1961, regulations and orders made thereunder to.....(hereinafter called as "The License") of.....on payment of a license fee of Rs. 25 authorising him to sell Spirituous Medicinal Preparations at his shop situated at.....(hereinafter called "The Licensed Premises") during the period from .....to ..... on the following conditions, namely :—

CONDITIONS

1. The licensee shall not keep or sell spirituous medicinal preparations at any place other than the licensed premises.

Provided that he may, with the permission of the Deputy Commissioner store such medicinal preparations in his warehouse situated at,.....

2. The licensee shall not keep in the licensed premises any intoxicants which he is not authorised to sell.

3. The licensee shall keep affixed to the licensed premises a signboard showing the name of the shop.

4. The licensee shall display the license at a conspicuous place in the licensed premises.

5. The licensee, his heirs, legal representatives or assigns shall have no claim whatsoever to the continuance or renewal of this license after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not, the assignee of the licensee, in case of sale or transfer or the heir or legal representatives of the licensee in case of death, to have the benefit of the license for the unexpired portion of the term for which it is granted.

6. This license may be suspended or cancelled in accordance with the provisions of sections 45 and 47 of the said Act.

Date

Seal of the
Deputy Commissioner.

Deputy Commissioner,
..... District.

* Strike off in all cases, other than that of Manufacturers.

FORM

[*See* rule

Permit for the transport of Spirituous Medicinal Preparations.

Part I–For record in the Office of the Deputy Commissioner or the Authorised Officer.

No. Dated 19

1. Name and address of the transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations to be transported.
4. Place for which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route (state what portion of the transport will be by road, what portion by rail, and what portion by air).
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date up to which the permit shall be valid.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations

Permit for the transport of Spirituous Medicinal Preparations.

Part II–To be forwarded to the person from whom spirituous medicinal preparations are obtained for transport.

No. Dated 19

1. Name and address of the transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations to be transported.
4. Place for which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route (state what portion of the transport will be by road, what portion by rail and what portion by air).
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date up to which the permit shall be valid.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations

S. P. III

10(b)]

Permit for the transport of Spirituous Medicinal Preparations.

Part III–To accompany the consignment of spirituous medicinal preparations and to be filed thereafter by the licensee who receives the consignment.

No. Dated 19

1. Name and address of the transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations to be transported.
4. Place to which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route (state what portion of the transport will be by road, what portion by rail and what portion by air).
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date up to which the permit shall be valid.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations

Permit for the transport of Spirituous Medicinal Preparations.

Part IV–To be forwarded to the Prohibition and or Excise Officer of the place to which the Spirituous Medicinal Preparations are to be sent.

No. Dated 19

1. Name and address of the transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations to be transported.
4. Place for which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route (state what portion of the transport will be by road, what portion by rail and what portion by air).
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date up to which the permit shall be valid.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961 and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations

subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised officer to abide by the above conditions.

Seal. Signature of the Deputy Commissioner or the authorised officer.

subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the authorised officer to abide by the above conditions.

Seal. Signature of the Deputy Commissioner or the authorised officer.

subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the authorised officer to abide by the above conditions.

Seal. Signature of the Deputy Commissioner or the authorised officer.

subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the authorised officer to abide by the conditions.

Seal. Signature of the Deputy Commissioner or the authorised officer.

FORM

[See rule

Import

Permit for the import of spirituous medicinal preparations.

Part I—for record in the office of the Deputy Commissioner or authorised Officer.

No. dated 19

1 Name and address of the Importer.
2 Kind of licence held by the importer and its number and date.
3 Name and quantity of spirituous Medicinal preparations to be imported.
4 Place from which spirituous medicinal preparations are to be imported.
5 Place to which spirituous medicinal preparations are to be imported.
6 Route (State what portion of the import will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be imported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.

Permit for the import of spirituous medicinal preparations.

Part II—To be forwarded to the person from whom spirituous medicinal preparations are obtained for import.

No. Dated 19

1 Name and address of the importer.
2 Kind of license held by the importer and its number and date.
3 Name and quantity of spirituous Medicinal preparations to be imported.
4 Place from which spirituous medicinal preparations are to be imported.
5 Place to which spirituous medicinal preparations are to be imported.
6 Route (State what portion of the import will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be imported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.

S.P. IV]

10 (b)]

Permit

Permit for the import of spirituous medicinal preparations.

Part III—To accompany the consignment of spirituous medicinal preparations and to be filed thereafter by the licensee who receives the consignment.

No. dated 19

1 Name and address of the importer.
2 Kind of licence held by the importer and its number and date.
3 Name and quantity of spirituous Medicinal preparations to be imported.
4 Place from which spirituous medicinal preparations are to be imported.
5 Place to which spirituous medicinal preparations are to be imported.
6 Route (State what portion of the import will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous madicinal preparations are to be imported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.

Permit for the Import of Spirituous medicinal preparations.

Part IV—To be forwarded to the Prohibition and or Excise Office of the place to which the spirituous medicinal preparations are to be imported.

No. Dated 19

1 Name and address of the importer.
2 Kind of licence held by the importer and its number and date.
3 Name and quantity of spirituous Medicinal preparations to be imported.
4 Place from which spirituous medicinal preparations are to be imported.
5 Place to which spirituous medicinal preparations are to be imported.
6 Route (State what portion of the import will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be imported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.

10 The amount of duty credited, the challan No. and Date, etc.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder authorising the above import of spirituous medicinal preparations subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

10 The amount of duty credited the challan No. and Date etc.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961, and the rules, regulations, and orders made thereunder authorising the above import of spirituous medicinal preparations subject to the following conditions namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the authorised officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

10 The amount of duty credited, the challan No. and Date, etc.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder authorising the above import of spirituous medicinal preparations subject to the following conditions namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer

10 The amount of duty credited the challan No. and Date, to.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act 1961, and the rules regulations and orders made thereunder authorising above import of spirituous medicinal preparations subject to the following conditions namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

FORM

[See Rule

EXPORT

Permit for the Export of spirituous medicinal preparations.

Part I—For record in the office of the Deputy Commissioner or the Authorised Officer.

No. Dated 19

1 Name and address of the exporter.
2 Kind of licence held by the exporter and its number and date.
3 Name and quantity of spirituous medicinal preparations to be exported.
4 Place from which spirituous medicinal preparations are to be exported.
5 Place to which spirituous medicinal preparations are to be exported.
6 Route (state what portion of export will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be exported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.
10. The amount of export duty credited, the challan No. and date.
11. The No. and date of the no-objection certificate or import permit of the State to which the preparations are being exported.

Permit for the Export of spirituous medicinal preparations.

Part II—To be forwarded to the person from whom spirituous medicinal preparations are obtained for export.

No. Dated 19

1 Name and address of the exporter.
2 Kind of licence held byt he exporter and its number and date
3 Name and quantity of spirituous medicinal preparations to be exported.
4 Place from which spirituous medicinal preparations are to be exported.
5 Place to which spirituous medicinal preparations are to be exported.
6 Route (state what portion of export will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be exported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.
10. The amount of export duty credited, the challan No. and date, etc.
11. The No. and date of the no-objection certificate or import permit of the State to which the preparations are being exported.

S. P. V

10 (b)].

PERMIT

Permit for the Export of spirituous medicinal preparations.

Part III —To accompany the consigoment of spirituous medicinal preparations and to be filed thereafter by the licence who receives the consignment.

No. Dated 19

1 Name and address of the exporter.
2 Kind of license held by the exporter and its numbes and date.
3 Name and quantitv of spirituous medicinal preparations to be exported.
4 Place from which spirituous medicinal preparations are to be exported.
5 Place to which spirituous medicinal preparations are to be exported.
6 Route (state what portion of export will be by road, what protion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be exported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.
10. The amount of export duty credited, the challan No. and date, e c.
11. The No. and date of the no-objection certificate or import permit of the State to which the preparations are being exported

Permit for the Export of spirituous medicinal preparations.

Part IV—To be forwarded to the prohibition and or Excise Officer of the place to which the spirituous medicinal preparations are to be exported.

No. Dated 19

1 Name and address of the exporter.
2 Kind of licence held by the exporter and its number and date.
3 Name and quantity of spirituous medicinal preparations to be exported.
4 Place from which spirituous medicinal preparations are to be exported.
5 Place to which spirituous medicinal preparations are to be exported.
6 Route (state what portion of export will be by road, what portion by rail and what portion by air).
7 Purpose for which spirituous medicinal preparations are to be exported.
8 Name of consignor and his full address.
9 Date up to which the permit shall be valid.
10. The amount of export duty credited, the challan No. and date etc.
11. The No. and date of the no-objection certificate or import permit of the State to which the preparations are being exported.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder authorising the above export of spirituous medicinal preparations subject to the following conditions, namely :—

(a) The whole quantity of spirituous medicinal preparations shall be exported in one consignment only and its bulk shall not be broken in transit.

(b) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder authorising the above export of spirituous medicinal preparations subject to the following conditions, namely :—

(a) The whole quantity of Spirituous medicinal preparations shall be exported in one consignment only and its bulk shall not be broken in transit.

(b) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder authorising the above export of spirituous medicinal preparations subject to the following conditions, namely :—

(*a*) The whole quantity of spirituous medicinal preparations shall be exported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

This permit is granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder authorising the above export of spirituous medicinal preparations subject to the following conditions, namely :—

'*a*) The whole quantity of spirituous medicinal preparations shall be exported in one consignment only and its bulk shall not be broken in transit.

(*b*) The permit holder shall give an undertaking in writing to the Deputy Commissioner or the Authorised Officer to abide by the above conditions.

Seal

Signature of the Deputy Commissioner or the Authorised Officer.

FORM S. P. VI

(See Rule 12)

License No. Date.....

License to Rigstered Medical Practitioners and persons incharge of hospitals or dispensaries for dispensing Spirituous Medicinal Preparations.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the Rules, Regulations and orders made thereunder to..... of..... (hereinafter called "Medical Practitioner"/"Person incharge") on payment of a license fee of Re. 1 authorising him to dispense spirituous medicinal preparations at his dispensary/the hospital dispensary situated at.....(hereinafter called "the licensed premises") during the period from.....to ..... subject to the following conditions, namely :—

1. The medical practitioner/person in charge shall not keep in the licensed premises any intoxicants which he is not authorised to dispense or keep.
2. This license may be suspended or cancelled in accordance with the provisions of Section 45 of the said Act.

Date Deputy Commissioner

Seal of the Deputy Commissioner. of ..... District.

FORM S.P. VII

(*See* Rule 14)

License No. .....District.

License for the sale of Spirituous Toilet Preparations.

License is hereby granted under and subject to the provisions of the Mysore Prohibition Act, 1961, and the Rules, Regulations and Orders made thereunder to .....(hereinafter called as "the licensee") on payment of a license fee of Rs. 25 authorising him to sell Spirituous Toilet Preparations (hereinafter called "the said preparations") at his shop situated at..... ..... (hereinafter called "the licensed premises") during the period from ..... to ..... subject to the conditions stated below :—

CONDITIONS

1. The licensee shall not keep or sell the said preparations at any place other than the licensed premises :

*Provided that the licensee may store the said preparations in his warehouse situated at..... .....

2. The licensee shall not keep in the licensed premises intoxicants of any kind which he is not authorised to sell.

3. The licensee shall keep affixed to the licensed premises a signboard showing the name of the shop.

4. The licensee shall display the license at a conspicuous place in the licensed premises.

5. The licensee, his heirs, legal representatives or assigns, shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not the assignee of the licensee, in case

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* Strike off in all cases other than that of Manufacturers.

of sale or transfer and the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

6. This licence may be suspended or cancelled in accordance with the provisions of sections 45 and 47 of the Mysore Prohibition Act 1961.

Granted this..... day of.....19

Deputy Commissioner.

Seal of the Deputy
Commissioner.

FORM S. P. VIII

(*See* Rule 19)

Licence No. District.

Licence for the sale of Anti-Septic Preparations, Flavouring Essences and other Preparations.

Licence is hereby granted, under and subject to the provisions of the Mysore Prohibition Act 1961, and the rules, regulations and orders made thereunder to.....of..... (hereinafter called as "the Licensee)" on payment of a licence fee of Rs. 25 authorising him to sell Anti-septic preparations flavouring essences and other Preparations (hereinafter called as "the said preparations") at his shop situated at ..... (hereinafter called as "The licensed premises") during the period from..... to..... subject to the conditions stated below :—

CONDITIONS.

1 The licensee shall not keep or sell the said preparations at any place other than the licensed premises :

* Provided that the licensee May store the said preparations in his warehouse situated at .....

2. The licensee shall not keep in the licensed premises intoxicants of any kind which he is not authorised to sell.

3. The licensee shall keep affixed to the licensed premises a signboard showing the name of the shop.

4. The licensee shall display the licence at a conspicuous place in the licensed premises.

5. The licensee, his heirs, legal representatives or *assigns shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Deputy Commissioner to permit or not, the assignee of the licensee, in case of sale or

*Strike off in all cases other than that of Manufacturers.

transfer, and the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted. This licensee may be suspended or cancelled in accordance with the provisions of sections 45 and 47 of the Mysore Prohibition Act 61.

Granted this..... day of..... 19

Seal of the Deputy Commissioner

Deputy Commissioner

FORM S. P. IX

[*See* Rule 28(a)]

Register of Alcohol received, used and in balance maintained by a licensee holding a license in form S. P. 1.

Name of the licensee :

No. and date of license :

In hand				Received				Total in hand and received			Expended					Balance		
Month and date	Quantity	Strength	Proof	Whence	Indent Number	Permit number	Quantity	Strength	Proof	Quantity	Strength	Proof	Serial number in manufacturing register (S. P. 10)	Quantity	Strength	Proof	Wastage proof gallons or litres	Quantity	Strength	Proof
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		

FORM S. P. X

[*See* Rule 28(b)]

Register of Spirituous Preparations Manufactured by a Licensee holding a License in Form S. P. 1.

Name of Preparation : **Name of Licensee :** **Number of the License :**

Entry			Alcoholic content per Litre	Opening balance		Fresh Manufacture taken in Stock		Total Bulk Qty. in stock as per Columns 5 & 7	Issue bulk Qty.	Duty paid on issue		Balance stock bulk Qty.	Wastage	Remarks
Sl. No.	Date	Batch No.	In L. P. Litres	Bulk quantity	Vessel No.	Bulk Qty.	Vessel No.			Amount	Treasury Receipt No. & date / Entry No. & date in account current ledger			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM S. P. XII

[*See* Rule 25 (C)]

Register of accounts of Spirituous Medicinal preparations received and sold by a person holding a license in Form S. P. 2.

No.

Name of the Licensee.....

Address..... .....

Name of the Spirituous Medicinal Preparation..... .....

Date	Opening balance	Quantity received	From whom received	Total (Columns (2) and (3)	Quantity sold	To whom sold	Closing balance	Signature of licensee	Remarks
1	2	3	4	5	6	7		9	10

FORM S.P. XI

[*See* Rule 25 (b)]

Register of Spirituous Preparations issued by a licensee holding a license in Form S.P.I.

Situation of warehouse..... Name of licensee..... No. and date of license.....

Sl. No.	Number and date of relative application for clearance.	Name and address and license No. of persons to whom issued.	Number of packages issued.	Description of goods issued			Duty Recovered		Treasury and treasury challan No. and date or entry No. and date of current ledger.	Balance in Stock of warehouse				Remarks
				Batch No.	Name of preparation	Bulk quantity.	Rate.	Amount.		No. and date of transport permit.	Batch No.	Name of preparation.	Bulk quantity.	
1	2	3	4	5	6	7 L	9 Rs. P.	10 Rs. P.	11	12	13	14	15 L	17

FORM S. P. XIII

[*See* Rule 25(*c*)]

Monthly returns of spirituous medicinal preparations received and sold during the month of..... ....19 .

Name of the Licensee.....

Address..... ....

S. M. P. I. License No..... .....

Name of the spirituous medicinal preparation	Opening balance on the 1st day of the month	Quantity received during the month	Total (Column (2) and (3)	Quantity sold during the month	Closing balance on the last day of the month	Signature of the licensee
1	2	3	4	5	6	7

FORM S. P. XIV

[*See* Rule 25(*d*)]

Register of accounts of spirituous toilet preparations received and sold by a person holding a license in Form S. P. 7. during the month of.....19 .

No.

Name of the licensee.....

Address.....

Name of the toilet preparation.....

Date	Opening balance	Quantity received	From whom received	Total (columns (2) & (3)	Quantity sold	To whom sold	Closing balance	Signature of the licensee	Remarks
1	2	3	4	5	6	7	8	9	10

FORM S. P. XIII

[*See* Rule 25(c)]

Monthly returns of spirituous medicinal preparations received and sold during the month of..... ....19 .

Name of the Licensee.....

Address..... ....

S. M. P. I. License No..... .....

Name of the spirituous medicinal preparation	Opening balance on the 1st day of the month	Quantity received during the month	Total (Column (2) and (3)	Quantity sold during the month	Closing balance on the last day of the month	Signature of the licensee
1	2	3	4	5	6	7

FORM S. P. XV

[*See* Rule 25(*d*)]

Monthly returns of spirituous toilet preparations received and sold during the month of.....19 .

Name of the licensee.. .....

Address.....

S. M. P. III license No.....

Name of the spirituous toilet preparations	Opening balance on the 1st day of the month	Quantity received during the month	Total (columns(2) and (3)	Quantity sold during the month	Closing balance on the last day of the month	Signature of the licensee
1	2	3	4	5	6	7

[No. HD 18 EMT 65.]

By Order and in the name of the Governor of Mysore,

M. S. SHANKARA RAO, *Secretary*.

REVENUE SECRETARIAT

NOTIFICATION.

Bangalore, dated 19th June 1965.

G.S.R. 576.—The draft of the following rules amending the Mysore (Personal and Miscellaneous) Inams Abolition (Compensation Bond) Rules, 1959, which the Government of Mysore proposes to make in exercise of the powers conferred by section 38 of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act I of 1955), is hereby published as required by sub-section (1) of the said section, for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after 15th July, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES.

1. *Title.*—These Rules may be called "the Mysore (Personal and Miscellaneous) Inams Abolition (Compensation Bond) (Amendment) Rules, 1965."

2. *Amendment of rule* 22.—In sub-rule (1) of rule 22 of the Mysore (Personal and Miscellaneous) Inams Abolition (Compensation Bond) Rules, 1959, for the following sentence occurring at the end namely, "The receipt in Form No. 9 shall be filed along with the claim of Inamdar", the words "The receipt in original in Form No. 9 shall be forwarded to the Accountant General, Mysore, Bangalore, for purposes of audit and a copy of such receipt duly attested by the Deputy Commissioner shall be filed along with the claim of the Inamdar", shall be substituted.

[No. RD 63 IMA 64].

By Order and in the name of the Governor of Mysore,

112 V. A. GUMASTE, *Under Secy.*

EDUCATION SECRETARIAT

CORRIGENDUM.

Bangalore, dated 29th June—1st July 1965.

G. S. R. 577.—Please read the Registrar's grade of pay as Rs. 900-40-1,100-50–1,300 instead of Rs. 900--10–1,100-50-1,300, appeared in statute 5 of the First Statutes of the Bangalore University, published in Part IV, Section 2–C-(i) of the *Mysore Gazette* dated the 22nd April 1965.

[No. ED 65 UNI 64.]

By Order and in the name of the Governor of Mysore.

115

K. MUHAMMAD BEARY, *Under Secy.*

Law Secretariat.

NOTIFICATION.

Bangalore, dated the 2nd July 1965.

G. S. R. 578—In exercise of the powers conferred by clause (1) of Article 299 of the Constitution, the Governor of Mysore hereby makes the following amendment to Notification No. LAW 61 LGN 61, dated the 6th December 1961, namely:

In the said Notification, in the entries relating to "Food Supplies Department", for the entries relating to item 28, the following entries shall be substituted, namely:—

"28.	Agreements with agents appointed on behalf of the Government for procurement or purchase or distribution of foodgrains and other food products.	(i) By the Director of Food Supplies in Mysore, Bangalore, in Bangalore Urban District; and (ii) By the Deputy Commissioners of districts, in the other areas."

V. V. GIRI,
Governor of Mysore.

[No. LAW 23 LGN 65.]

By Order and in the name of the Governor of Mysore,

R. Sanjeevalu, *Secretary*.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 15th June 1965.

G. S. R. 579.—The Governor of Mysore hereby sanctions the establishment of the State Service Cadres in respect of the District Soldiers' Sailors' and Airmen's Board Organisation. The strength of each of the said cadres and the number and character of the posts borne thereon shall be as follows :—

Category of posts	Number of posts — Permanent	Scale of pay
Class II Posts.		
Secretaries (Grade I)	... 5	Rs. 350–25–550
Class III Posts.		
Secretaries (Grade III)	... 3	Rs. 130–5–160–8–200
Clerks (Grade II)	... 13	Rs. 80–3–110–4–130–5–150
Class IV Posts.		
Watchman	... 1	Rs. 50–1–60
Peons	... 8	Rs. 50–1–60

[No. GAD 22 ORR 65.]

By Order and in the name of the Governor of Mysore,

95 S. Zahiruddin Hassan, *Under Secy.*

NOTIFICATION.

Bangalore, dated 15th June 1965.

G.S.R. 580.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all previous rules on the subject, the Governor of Mysore hereby makes the following rules, namely :—

1. *Title.*—These rules may be called the "Mysore District Soldiers", Sailors' and Airmen's Boards (Recruitment) Rules, 1965.

2. Provisions relating to recruitment to p sts: In respect of each category of posts specified in column 1 of the following table, the methods of recruitment and the qualifications and the period of probation, shall be as specified in the corresponding entries of columns 2 and 3 of the said table.

TABLE.

Category of posts	Method of recruitment	Qualification and period of probation.
1	2	3
Secretaries (Grade I)	By direct recruitment of an Ex-Serviceman or where a suitable candidate who is an Ex-Serviceman is not available, by direct recruitment of a person who is not an Ex-serviceman.	(i) Qualifications for ex-Serviceman : (a) A pass in S.S.L.C. or an equivalent qualification. (b) Should be an Ex-Indian Commissioned Officer of Captain's or Major's rank or an Officer of equivalent status of the Indian Nevy or Air Force. (ii) Qualifications for a person who is not an ex-serviceman. Should be a Graduate of a University established by law in India.

FINANCE SECRETARIAT

NOTIFICATION

Bangalore, dated the 25th June 1965

G. S. R. 581.—WHEREAS by G. O. No. FD 51 RTE 61, dated the 25th May 1961, a common Treasury Cadre for the Gazetted and Non-Gazetted staff of Treasuries in the whole of the State of Mysore was formed with effect from the 1st June 1961:

AND WHEREAS in pursuance of the Mysore General Service (Treasury Branch) (Recruitment) (Special) Rules, 1961, Government servants in the Treasury Department and Revenue Department have been selected and appointed to the different categories of posts specified in Rule 3 of the said rules;

AND WHEREAS it is expedient to make special rules for the determination of the seniority of the persons selected and appointed to the categories of posts specified in the said rules, *vis-a-vis* persons holding such posts before such appointments and to review promotions made on or after 1st June 1961;

NOW THEREFORE, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Mysore is pleased to make the following rules, namely,—

1. **Title:**—These rules may be called the Mysore General Service (Treasury Branch) Special Seniority Rules, 1965.

2. **Definitions.**—In these rules:

(a) "person in Treasury service" means a Government servant holding any category of posts in the Treasury service before the 1st June 1961;

(b) "selected person" means a person selected for appointment to any category of posts in the Mysore General Service (Treasury Branch) under Rule 3 of the Mysore

General Service (Treasury Branch) (Recruitment) (Special) Rules, 1961;

(c) "Treasury General Recruitment Rules" means the Mysore General Service (Treasury Branch) (Recruitment) Rules, 1961:

(d) "Treasury Service" means the Mysore General Service (Treasury Branch);

(e) "Treasury Special Recruitment Rules" means the Mysore General Service (Treasury Branch) (Recruitment) (Special) Rules, 1961.

3. Determination of Seniority.—(1) The seniority of Government servants appointed to the different categories of posts specified in rule 3 of the Treasury Special Recruitment Rules by selection under the said rules *vis-a-vis* persons holding such categories of posts in the Treasury Service, whether appointed to such service before or after the commencement of the Treasury General Recruitment Rules, shall be determined as follows:

(a) a person selected and appointed to a post of Head Accountant in South Kanara and Coorg District, Deputy Accountant in South Kanara District, Treasurer in South Kanara District, or Second Division Clerk, Typist, Shroff, Goilar or Class IV Official in the Belgaum Division, Gulbarga Division, South Kanara and Coorg Districts and Kollegal Taluk, shall be deemed to have been transferred in public interest from the corresponding post referred to in column 2 of the Table annexed to Rule 3 of the Treasury Special Recruitment Rules, and the seniority of the said selected person in the relevant cadre of the Treasury Service specified in the Treasury General Recruitment Rules shall be determined with reference to his first appointment to the class or grade of service from which he was selected;

(b) a person selected and appointed to a post of Treasury Shenstedar in Belgaum Division, Madras Area or Coorg District, or a First Division Clerk in Belgaum Division, Gulbarga Division, South Kanara District or Coorg District, of the Treasury Service specified in Column 1 of

1	2	3
		(iii) Age : For Ex-Servicemen : Shou d not exceed 52 years and should not ba less than 25 years. For a person wao is not an Ex-serviceman, mu6 not exceed 28 years.
		Probation : One year.
Secretaries (Grade III)	By direct recruitment of Ex-Servicemen.	(i) Qualifications : A pass in S.S.L C. or an equivalent qualification.
		(ii) Should be an Ex-Junior Commissioned Officer or an Officer of equivalent status of the Indian Navy or Air Force.
		(iii) Age : For Ex-Servicemen. Should not exceed 52 years and should not be less than 25 years. For a person who is not an Ex serviceman : Must not exceed 28 years.
		(iv) Probation : One year
Clerks (Grade II)	By direct recruitment of Ex-Servicemen.	(i) Qualifications : A pass in S.S.L.C. or equivalent qualification.
		(ii) Age : For Ex-Servicemen should not exceed 50 years and should not be less than 19 years. For a person who is not an Ex-Serviceman- Must not exceed 28 years.
		(iii) Probation : One year.
Watchman, Peons.	By direct recruitment of Ex-Servicemen.	(i) Age : For Ex-Servicemen should not exceed 50 years and should not be less than 19 years. For a person who is not an Ex-Servicaman- Must not exceed 28 years.
		(ii) Probation : One year.

3. **Recruitment of persons who are not Ex-Servicemen .**

Notwithstanding anything contained in rule 2, where a suitable qualified candidate who is an ex-serviceman is not available for appointment to a posts of Secretary, Grade III, Clerks-Grade II or Watchman or Peon, the said post may be filled by direct recruitment of any other candidate who possesses the academic qualifications prescribed in rule 2 and satisfies the provisions of the said rule as regards age.

[No. GAD 22 ORR 65.]

By Order and in the name of the Governor of Mysore,

117 S. ZAHIRUDDIN HASSAN, *Under Secy.*

the Table annexed to Rule 3 of the Treasury Special Recruitment Rules, shall be deemed to have been transferred in public interest or promoted, as the case may be, from the post specified in the corresponding entry of column 2 of the said Table, and—

(*i*) Where the appointment of the said selected person is from any class or grade of service to a corresponding class or grade of service of the Treasury Service, the seniority of the said selected person in the class or grade of service to which he is appointed shall be determined with reference to his first appointment to the class or grade of service from which he was selected; and

(*ii*) Where the appointment of the said selected person is from any class or grade of service lower than the corresponding class or grade of service of the Treasury Service, the seniority of the said person in the class or grade of service to which he is appointed shall be determined, by assigning to such selected person a Rank just above the person in Treasury Service promoted under the Treasury General Recruitment Rules from the class or grade of service of the Treasury Service corresponding to the class or grade of service held by such selected person before such selection, whose length of continuous service in the class or grade of service in the Treasury Service from which the said person in Treasury Service was promoted, is less than that of the selected person.

4. Review of promotions.—Notwithstanding anything contained in the Treasury General Recruitment Rules, or any rules relating to the conditions of service applicable to Government servants in the Treasury Service, Recruitment by promotion made to any post in the Treasury Service on or after the 1st June, 1961, in accordance with the said Recruitment Rules, shall be reviewed, and promotions shall be made on the basis of the seniority lists prepared in accordance with the provisions of Rule 3, and the seniority of persons promoted accordingly shall be determined as if they had been promoted on the date on which they would have been promoted, if these rules were in force with effect from the 1st day of June 1961 :

Provided that where on a review of a promotion made under this rule (i) any person is reverted to a lower class or grade of service, such reversion shall be without prejudice to any emoluments drawn by him before such reversion ;

(*ii*) any person is promoted to a higher class or grade of service, such person shall not be entitled to the emoluments of the post to which he is promoted from any date prior to the date of his joining the post to which he is promoted.

5. **Savings.**—The provisions of Rules 3 and 4 shall have effect notwithstanding anything contained in the Mysore Government Servants (Seniority) Rules, 1957.

V. V. GIRI,
Governor of Mysore.

[No. FD 282 RTH 68.]

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

CORRIGENDUM.

Bangaloro, dated 9th June 1965.

G. S. R. 58[illegible].—In Notification No. GAD 54 ORR 61, dated the 25th January 1964, sanctioning the establishment of the State Service Cadres in respect of the Mysore Commercial Tax Service published as GSR 33 in the *Mysore Gazette*, dated the 13th February, 1964 in Part IV-Section 2-C(i).

(1) in the entries relating to the category of posts of Commercial Tax Officers, for the figures "25" in column 2 under the heading 'temporary', read "32";

(2) in the entries relating to the category of posts of Assistant Commercial Tax Officers, for the figure "7" in column 2 under the heading 'temporary', read "14".

[No. FD 49 CSE 65.]

By Order and in the name of the Governor of Mysore,

109 N. J. GOREPEERZADE, *Under Secy.*

NOTIFICATION.

Bangalore, dated 18th June 1965.

G. S. R. 583.—In exercise of the powers conferred by clause (2) of Article 383 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 403 (p-253),

insert the following as a '*Note*' :—

Note :—The following transactions of Government involving fractions of a rupee shall be brought to account in multiples of 5 paise portion not below 2½ paise being rounded off to 5 paise and those below that amount being ignored—

(1) Personal claims of Government servants and pensioners, provided that—

(*a*) in the case of bills for pay, including leave salary and pension, the amount in respect of pay or leave salary or pension, and no other item of payment or recovery, shall be so increased or reduced by the addition of an amount not exceeding 2½ p., or subtraction of an amount below 2½ p. as the case may be, as will make the net amount payable to an individual on any bill a multiple of 5 paise.

Example :

		Claim	*Bill to be made*
		Rs. P.	Rs. P.
Pay	...	300-00	300-02
D.A.	...	40-00	40-00
C.C.A.	...	24-00	24-00
Gross Total		364-00	364-02
Deductions :			
P.F	...	30-00	30-00
H.R.	...	19-12	19-12
I.T.	...	2-06	2-06
P.L.I.	...	8-19	8-19
C.H.S.	...	2-50	2-50
Total Deductions.		61-87	61-87
Net amount.		302-13	302-15

(*b*) In the case of Travelling Allowance bills the rounding shall be done only at the last stage and not in respect of each item, *e. g.* Railway fare, Mileage, Daily Allowanee, etc., comprising the claim of an individal;

(*c*) Transactions which do not involve cash payment shall not be rounded off; and

(*d*) In the case of emoluments fixed by law, amounts which are not an exact multiple of 5 paise shall always be rounded off to the next higher multiple of 5 paise.

(2) Transactions between one Government and another or between two Departments of the same Government unless it be not possible to eliminate from the original transactions fraction of a rupee which is not an exact multiple of 5 paise.

(3) Amounts converted into Indian Currency from Sterling of other foreign currencies.

(4) Payments for claims in respect of contingent and other charges, where claimants have no objection, provided that the rounding off of the fraction of a rupee to a multiple of 5 paise shall be done only in respect of the net amount payable on a bill and not in respect of the individual items of claims or adjustments in the bill.

(5) Reserve Bank remittances, other than those of sums representing dues fixed by or under any law or under any contractual obligation of the Government.

(6) Deposits and receipts other than those which are fixed by or under any law or are specially exempted by the Government from the operation of this Rule.

(This amendment takes effect from 1st April 1965).

513

[No. FD 28 RSO 65.]

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 18th June 1965.

G. S. R. 584.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 396 (Page-248),

Insert the following as clause (k):

"(K) Receipts executed by or on behalf of any Society registered under the Mysore Co-operative Societies Act, 1959".

514

[No. FD 33 RFC 65.]

By Order and in the name of the Governor of Mysore,

105 N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 21st June 1965.

G. S. R. 585.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, 1963, *viz.*,—

In the said Code, in Volume I,

Clause (1) (b) of Article 207, as amended by Government Notification No. FD 3 RTC 64, dated 14th May 1964 (C. S. No. 7) and by Government Notification No. FD 62 RTC 63, dated 2nd April 1965 (C. S. No. 67), shall be *substituted* by the following :—

"(b) Subject to the provisions of Clause (a), the arrears of pension of a deceased pensioner may, if the amount does not exceed Rs. 1,500 be paid to the heirs of the deceased pensioner without the production of the usual legal authority to the extent of Rs. 500 under the orders of the Tahsildars and Rs. 1,500 under the orders of the District Treasury Officer, after such enquiry into the right and title of claimants as may be deemed sufficient".

72

[No. FD 4 RTC 65.]

By Order and in the name of the Governor of Mysore,

106

N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 21st June 1965

G. S. R. **586** .—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

Article **274** (p-185) along with its heading, shall be *substituted* by the following:

"274: At the time of inspection of Treasuries a certificate must be recorded on the extract register of receipts of District and Sub-Treasuries by every officer inspecting the District and Sub-Treasuries that he has himself carefully examined the Register and that entries are made with the utmost care and regularity".

515

[No. FD 45 RFC 65.]

By Order and in the name of the Governor of Mysore,

107 N. S. BHARATH, *Deputy Secy.*

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 21st June 1965.

G.S.R. 589.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules to amend the Mysore Ministerial Services (Typists) (Recruitment) Rules, 1964, namely :—

1. Title.—These rules may be called the Mysore Ministerial Services Typists Recruitment (Amendment) Rules, 1965.

2. Amendment of rule 5.—In rule 5 of the Mysore Ministerial Services (Typists) (Recruitment) Rules, 1964 (hereinafter referred to as the said Rules), for clause (*b*) the following clause shall be substituted, namely :

"(*b*) have passed, in the case of English Typists, Junior Typewriting and Junior Shorthand or Senior Typewriting Examination conducted by the Board for Commerce Education and Examination of the Government of Mysore or any other examination recognised by Government as equivalent thereto ; and in the case of Kannada Typists, the Senior Grade Kannada Typewriting Examination conducted by the Board for Commerce Education and Examination of the Government of Mysore".

3. Amendment of rule 10.—To sub-rule (1) of rule 10 of the said Rules, the following proviso shall be added; namely :—

"Provided that in the case of Kannada Typists, the list of candidates selected on the basis of the marks obtained at the Senior Grade Kannada Typewriting Examination and the marks obtained at the *viva voce* examination shall be prepared by the appropriate authority in the order of merit".

[No. GAD 33 ORR 64.]

By Order and in the name of the Governor of Mysore,

411 S. Zahiruddin Hassan, *Under Secy.*

Finance Secretariat.

NOTIFICATION.

Bangalore, dated 29th June 1965.

G .S. R. 590.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,—

In Article 404 (P-254),

Insert the following as "Clause 4-A"

"4-A. When the date, month and year of birth of a Government servant are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth deduced accordingly."

[No. FD 48 RFC 65.]

516

By Order and in the name of the Governor of Mysore,

116

N. S. Bharath, *Deputy Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 30th June—1st July 1965.

G.S.R. 591.—The draft of the following rules which the Government of Mysore propose to make in exercise of the powers conferred by Sections 5 and 163 of the Mysore Police Act, 1963 (Mysore Act 4 of 1964), is hereby published as required by sub-section (1) of Section 163 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or after 15th August 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore, with respect to the said draft rules, before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Home Department, Vidhana Soudha, Bangalore-1.

1. Title and application.—(1) These rules may be called the Mysore State Police Force (Uniform) Rules, 1965.

(2) They shall apply to the members of the superior police of the State Police Force :

Provided that nothing in these rules shall apply to such members of the Police Force as are members of the Indian Police and Indian Police Service.

2. Specification of uniform.—The uniform to be worn by a member of the superior police, shall subject to the provisions of rule 4, be the same as specified in the Schedules I and II to these rules (hereinafter referred to as "the uniform") :

Provided that a person who was a member of the superior police immediately before the commencement of these rules shall not be required to provide himself with any

article of uniform, until the corresponding articles of his uniform equipment in use at such commencement are worn out or until he receives his next grant for the upkeep of the uniform, whichever is earlier.

3. Grant for uniform.—(1) Every member of the superior police shall on appointment thereto be granted an initial grant of six hundred rupees and at each interval of five years thereafter a renewal grant of five hundred rupees towards the cost and maintenance of his uniform :

Provided that the amount shall not be drawn except with the sanction of the Inspector-General of Police who shall, before according sanction, satisfy himself that the grant is necessary ; and

Provided further that the Inspector-General of Police may withhold any such grant from a member of the superior police who is due to retire within two years from the date when the renewal grant is due.

(2) The amount granted under sub-rule (1) shall be utilised solely for the purpose for which it is granted.

(3) Any member of the superior police whose services are terminated during the period of probation or who has not utilised the amount granted under sub-rule (2) solely for the purpose for which it was granted, may be required by the State Government to refund the entire amount or such portion thereof, as the State Government may determine.

(4) If within three years of his first appointment any member of the superior police resigns or is dismissed or removed from service, he shall refund such portion of the amount granted, as the State Government may determine.

(5) The State Government may at any time alter the amount of uniform grant admissible under this rule.

4. Modifications in the working dress.—The State Government may, from time to time, make such modifications in the working dress which any member of the superior

police may wear while engaged in work of an informal character, as circumstances may require.

5. Interpretation.—If any difficulty arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

SCHEDULE-I

1. Review Order.—(a) When Officers are not on mounted duty, this consists of peak cap, khaki shirts, blue tie, jacket, whistle and lanyard, slacks of the same material as the jacket, khaki socks, brown boots, shoes, sam browne belt and sword, medals and decorations.

(b) When on mounted duty, this consists of peak cap, khaki shirts, blue tie, jacket, whistle and lanyard, breeches, khaki socks, filed boots, spurs, sam browne belt and sword, medals and decorations.

NOTE:—These shall be worn on all State Ceremonies, *e. g.*, public arrivals and departures of the President, or the Governor, Presentation of Guards of Honour on such occasions, at Ceremonial Parades or whenever full dress in ordered.

2. Working Dress.—This consists of peak cap, khaki shirt, blue tie, jacket, whistle and lanyard, cloth belt of the same material as the jacket or sam browne belt whenever a revolver is carried, slacks, khaki socks, shoes/ankle boots and ribbons.

NOTE:—This shall be worn when meeting or escorting or keeping the line or road clear for the President or the Governor, private arrivals and departures on all occasions when an officer is on duty except when he is permitted to use informal working dress.

Revolver shall be worn only when escorting or keeping the line of road clear.

3. Informal Working Dress.—This consists of peak cap, or army tented club topes, shirt and Sam Browne belt or bush shirt with cloth belt, shorts or slacks, stockings socks and ankle boots/shoes.

Note: This dress shall not be worn on formal occasions of any sort. It may be worn in office, at Inspections, conferences, meetings, when appearing in Court to give evidence, on tours and for ordinary parades.

(2) When earing shorts, ankle putties and hose tops and boots will be worn on parade ; stockings and shoes, may be worn on other occasions.

(3) Bush shirts should not be worn in combination with shorts.

(4) When wearing informal dress at the time of riots dacoit operations and such other duties, embroidered badge of rank, worked in dark blue silk thread, may be worn.

SCHEDULE II

Detailed description of the various dress articles to be worn by the Mysore State Police Service Officers.

1. **Head Dress.**—Peak Cap—Khaki Gaberdine (whenever khaki is mentioned the shade will be spinners Vigen No. 1) $4\frac{1}{2}''$ total depth, diameter across the top 10 3/8″ for a cap fitting $21\frac{1}{4}''$ in circumference the top to be $\frac{1}{8}''$ larger or smaller in diameter for every $\frac{1}{4}''$ by which the cap may vary in size of head above or below the before mentioned standard, *e.g.*, for a cap $22\frac{1}{4}''$ in circumference, the diameter across the top to be $10\frac{5}{8}''$ and for a cap 21″ in circumference the diameter to be 10″. The sides to be made in four pieces and to be $2\frac{1}{8}''$ deep between the welts. The cap to be set up on a band of stiff leather or other material $1\frac{3}{4}''$ deep. Chin strap of brown leather $\frac{3}{8}''$ wide buttoned on to two gorget buttons of the Mysore State Police pattern placed immediately behind the corners of the peak.

(2) As an alternative to the peak Cap, Officers may wear PAGRI of Khaki Silk or Muslin.

(3) *Helmet*—for informal working dress

Army khaki tent club pattern, with a pagri of six folds of khaki with a dark blue flash, a quarter of an inch wide at the top between the helmet and the pagri, the whole when tied not to exceed three inches in width. No metal fittings. Brown leather straps 3/8″ wide.

2. **Shirts.**— Khaki cellular or twill with two breasts pockets of the jacket pattern, with white metal buttons.

3. **Jacket**—Khaki drill (during hot weather) and khaki gaberdine (during cold weather) single breasted, cut as lounge coat to waist, very loose at the chest and shoulders but fitted at the waist, military skirt to bottom edge. A silver plated hook on each side of the waist. Length as in ordinary civilian lounge coat, *i.e.*, covering the seat. Collar to be cut as in ordinary civilian lounge coat. Two cross patch breast pockets above, $6\frac{1}{2}$" wide and $7\frac{1}{4}$" deep to the top of the flap, with a $2\frac{1}{4}$" box pleat in the centre fastened at the top with a small Mysore State Police pattern button; flap, with button hole to cover pockets $2\frac{1}{4}$" deep and $6\frac{1}{2}$" wide. Two expanding pockets below the waist (Pleats at the sides) $9\frac{1}{4}$" wide at the top, $10\frac{1}{2}$" at the bottom, 8" deep to the top of the pocket, fastened at the top with a small Mysore State Police pattern button; flap, with button hole, to cover the pocket, $3\frac{1}{2}$" deep and $10\frac{3}{4}$" wide, the top of the pocket to be tacked down at the corners in such a manner that the pocket can be expanded at the top also if necessary. Four medium Mysore State Police pattern buttons down the front. The buttons should be so fixed that the bottom-most button covers the naval and top-most button fixed one-third distance between the naval and the position of the tie knot. Pointed cuffs, 5" high at the point and $2\frac{1}{2}$" behind. Shoulder straps of the same material as the garment fastened with a small Mysore State Police pattern button. The jacket to be worn with a soft or semi-stiff collar and shirt.

4. **Tie.**—Dark Blue Sailor Knot Tie.

5. **Slacks.**—Khaki Gaberdine or khaki drill to match jacket, without turn-ups and shaped from instep to heels, the bottom to measure 18 to 19".

6. **Breeches.**—Bedford type : Khaki cotton cord to be worn with khaki drill tunic and Khaki woollen cord with garberdine tunic.

7. **Shorts.**— Khaki drill with two cloth extended straps and side buckles, waist band 2½" in width.

8. **Bush Shirts.**—Infantry pattern of Khaki drill, cellular or twill to match slacks, with Mysore State Police pattern buttons and will have :

(a) Two breast pockets 8" x 6" with three point flaps fastened by one button, with a centre pleat 1½" wide. Flaps should be 6" long by 2½" deep ;

(b) Two lower side inner pockets with slanting flaps 8" long, 2½" deep with 1" backward slant ;

(c) Full length sleeves with single cuffs, each having one button.

(d) The back plain without pleats, with 1 vent at centre of back at bottom 10" long.

(e) The shirt open all the way down the front with 5 buttons showing fastened by button holes in a reinforced edge 1½" wide.

(f) Stand and fall collar shall be cut in one piece and when finished should measure 3¼" wide at the back and 2" at the front.

(g) Shoulder straps to be sewn on.

(h) Loops at the side seems to take a detachable belt.

(i) Length of the shirt bush down to the level of the knuckles when the fists are clenched and fully extended down-wards.

Note :—Whenever buttons are referred they are to be of the Mysore State Police pattern ones.

9. **Buttons**.—Mysore State Police pattern buttons of white metal, to be convex, die struck and embossed.

Large	...	40 lines
Medium	...	30 lines
Small	...	24 lines
Gorget	...	20 lines.

10. Socks.—Khaki cotton or woollen or mercerised.

11. Stockings.—Khaki Woollen.

12. Boots Ankle.—Ankle, plain brown leather with plain toe caps and nine pairs of eye-lets.

13. Shoes.--Plain brown leather Derby shoes with plain toe-caps with five pairs of eye-lets.

14. Boots- field.—Brown leather, soft, legs stiffened to a depth of 4 to 6 inches from the top, laced at the instep, with nine pairs of eye-lets holes, brown leather garters; no gusset at the top of the leg and no toe-caps. One strap held by a look at the back top to keep the boot in position.

15. Spurs for Mounted duty only.—Light hunting, with brown leather straps and shields and brown leather under-straps.

16. Belt.—Sam Browne of Army Regulation pattern with Silver mountings. Cloth belt of the same material as the jacket with the silver mountings may be worn with the working dress when revolver is not carried.

Second shoulder strap to the Sam Browne Belt to be worn when revolver is carried on the right side.

17.	**Revolver or at the option of each officer an automatic pistol**	...	With brown holster and ammunition pounch of leather. The revolver and ammunition pounch shall not be worn with Review Order unless specific orders to that effect are issued.
18.	**Sword**	...	Infantry pattern with half basket hild in white metal and devise "M.S.P.S." and State Emblem.
19.	**Sword knot**	...	Brown leather, with acorn.
20.	**Scabbard**	...	Brown leather, Infantry pattern.
21.	**Putties-ankle**	...	Khaki Woollen of the Fox Spiral pattern.
22.	**Hose tops**	...	Khaki Wollen.
23.	**Whistle**	...	Of the metropolitan Police pattern, to be worn attached to a dark blue round-plaited lanyard and carried in the left breast pocket.

24. Jersey	...	Khaki woollen with two buttons in front.
25. P. T. Vests	...	White cotton or woollen half sleeves for probationary officers under training.
26. Over coat	...	Khaki drab mixture cloth : milled and waterproof double breasted, to reach to the point of the knee. 18" 20" slit at the back with small saddle flap. Turndown collar 2½" deep, with lapel and step, fastening with one hook and eye. Four large buttons on each side, three to button and one underturn. Two button pockets with flap one inside breast pocket at each side; sword slit at left side loose turn back cuffs of single material; 4½" deep shoulder straps of the same material as the garment fastened with small buttons. Badges of rank and Button silver metal. The collar to be provided with a cloth staps to button across the opening at the throat when required. The coat to be lined with drab flannel
27. Gloves	...	Tan regulation pattern, to be worn, if necessary.
28. Badges of rank	...	Silver metal. The State Emblem to be 1 5/32"/¾". The stars to be of the "Star of India" (five pointed) pattern and 1" broad. The stars should be slightly frosted but without any design in the centre. Embroidered badges of rank, worked in dark blue silk thread, may be worn when wearing informal working dress at the time of riots, dacoits operations and such other duties.
(i) Cap Badge	...	Of the same type as the I. P. S. Badge but with M. S. P. S. letters in the centre of silver metal to be worn in the centre of the band in front.
(ii) Shoulder badges		Members of the Mysore State Police Service shall wear a silver departmental badge "M. S. P. S." in half inch block letters at the base of the shoulder strap, on shirts, jackets and bush shirts.

(iii) The following are the shoulder badges to be worn by the Mysore State Police Service Officers in addition to the Cap Badge and the shoulder Base badge described above.—

(*a*) Superintendents of Police with less than 15 years of Service. States Emblem

(*b*) Deputy Superintendents of Police with more than 5 years of Service	Three Stars
(*c*) Deputy Superintendents of Police with less than 5 years of Service.	Two Stars
(*d*) Probationary Deputy Superintendents of Police.	One Star

Note :—The length of Service to be taken into account in respect of Superintendents and Deputy Superintendents of Police is to be only the continuous *service* in the Gazetted rank.

[No. HD 62 PEG 65.]

By Order and in the name of the Governor of Mysore,

BHIM RAO, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUES BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

PUBLIC WORKS SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 11th June 1965.

G.S.R. 592.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Indian Ports Act, 1908 (Central Act 15 of 1908), the Government of Mysore hereby makes the following rules amending the Mysore Harbour Craft Rules, 1963, the draft of the same having been published as required by sub-section (2) of the said section as S. S. R. 459 dated 24th March 1965 in Section 2-c (1) of Part IV of the *Mysore Gazette* dated 8th April 1965 namely:—

1. Title.—These Rules may be called the Mysore Harbour Craft (Amendment) Rules, 1965.

2. Amendment of Rule 7.—In the Mysore Harbour Craft Rules, 1963, (hereinafter referred to as the said rules) in rule 7:—

(i) in sub-rule (1) for the words 'within a period of three months of such commencement', the words 'before the 31st December, 1965' shall be substituted.

(ii) in sub-rule (2), the words 'of three months', shall be omitted.

3. Amendment of rule 18.—In clause (b) of rule 18 of the said rules, for the words 'Executive Engineer', the words 'Marine Engineer', shall be substituted.

4. Amendment of rule 29.—In clause (a) of rule 29 of the said rules, the words 'or the Port Officer, Karwar or the Port Officer, Mangalore', shall be omitted; and for the words 'Executive Engineer' the words 'Marine Engineer' shall be substituted.

5. Amendment of rule 31.—In rule 31 of the said rules,

(i) in clause (a), for the words 'Port Conservators' the words 'Port Officer' shall be substituted; and for the words 'Port Officer at Karwar or Coondapur as the case may be' the words 'State Port Officer of Mysore', shall be substituted;

(ii) in clause (b), for the words 'Port Conservator' at the two places where they occur the words 'Port Officer' shall be substituted; and for the words 'Port Officer Karwar or the Port Officer, Coondapur, as the case may be', the words 'State Port Officer of Mysore' shall be substituted;

(iii) in clause (c), for the word and letter 'Form F' the word and letter 'Form D' shall be substituted; and for the words 'Port Officer, Karwar or the Port Officer, Coondapur', the words 'State Port Officer of Mysore', shall be substituted.

6. Amendment of rule 32:—In rule 32 of the said rules, for the words 'Port Officer stationed at Karwar or at Coondapur', at the two places where they occur, the words 'State Port Officer of Mysore', shall be substituted.

7. Amendment of rule 33.—In rule 33 of the said rules, for the words 'Port Officer, Karwar or the Port Officer, Coondapur as the case may be', the words 'State Port Officer of Mysore', shall be substituted; and for the words

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated the 14th June 1965.

G. S. R. 593.—In exercise of the powers conferred by Section 8 of the Mysore Parliamentary Secretaries Allowances Act, 1963 (Mysore Act 15 of 1963), the Government of Mysore hereby makes the following rules, namely :—

1. Title.—These Rules may be called the Mysore Parliamentary Secretaries (Travelling Allowances) Rules, 1965.

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) "advance" means a repayable advance made to a Parliamentary Secretary on account of travelling and daily allowance ;

(*b*) "day" means a calendar day beginning and ending at midnight ; but an absence from Headquarters which does not exceed twenty four hours shall be reckoned for all purposes as one day, at whatever hour the absence begins or ends.

3. Reimbursement of certain deductions.—On the cancellation of a journey due to official reasons or due to circumstances which were unavoidable and beyond the control of the Parliamentary Secretary, he shall be entitled to be reimbursed by Government, any deductions made by an Air Transport or Railway authority when refunding the fare on account of the cancellation of air passage or the railway journey respectively.

4. Payment of Advance travelling and daily allowances.—(1) A Parliamentary Secretary shall be entitled to an advance of travelling and daily allowance in respect of tours

undertaken by him in the discharge of his official duties, whether by road, rail or air.

(2) An advance drawn shall be adjusted in the appropriate travelling allowance bill before the end of the month following the month in which the advance is drawn.

5. **Use of Government Vehicles.**—Whenever a Parliamentary Secretary uses in the public interest a Government Department vehicle, including a vehicle maintained for guests by a Government Guest House, he shall be entitled, at his option, to use the vehicle and pay the full charges prescribed for the use of Government vehicles and draw daily allowance and road mileage for the days on which the vehicle is so used or to use the vehicle free of all charges, and in such a case, he shall not be entitled to road mileage but shall be entitled to draw daily allowance for the days on which the vehicle is so used.

6. **Accommodation in Travellers' Bungalows, etc.**—A Parliamentary Secretary shall while on tour on duty, be entitled to accommodation in Travellers' Bungalows or Guest Houses maintained by Government on payment of rent at such rates as are applicable to a Government servant of the highest class occupying such accommodation.

7. **Insurance for air travel.**—Insurance for air travel by a Parliamentary Secretary shall be met by Government subject to the amount of premium being restricted to rupees ten per each trip.

Explanation.—Claim for insurance premium for air journeys should be supported by the receipts or policies issued by the Insurance Companies.

8. **Concessional rates to be utilised.**—The concessional rates allowed by Air Transport or Railway authorities, shall be availed of by a Parliamentary Secretary if the return journey is expected to be performed within the period during which a return ticket is available.

9. **Controlling Officer.**—A Parliamentary Secretary shall be his own controlling officer. The signature of a Parliamentary Secretary on his travelling allowance bill (or on the railway requisition) shall be accepted as an authority for the journey, without requiring any further orders of Government.

10. Payment after pre-audit.—All sums due from Government to a Parliamentary Secretary which are outstanding on the day on which he relinquishes office, shall be paid to the Parliamentary Secretary after pre-audit by the Accountant General.

11. Application of Mysore Civil Services Rules.—(1) In respect of any matter for which no specific provision has been made in these Rules, the provisions contained in Part VIII of the Mysore Civil Service Rules governing the payment of travelling allowance to a Class I Officer of the State Civil Service drawing a pay of one thousand and two hundred rupees or more per mensem shall, *mutatis mutandis*, be applicable to a Parliamentary Secretary.

(2) If any question arises regarding the applicability of any rule referred to in sub-rule (1) to a Parliamentary Secretary, it shall be referred to the State Government, and the decision of the State Government thereon shall be final.

By Order and in the name of the Governor of Mysore.

K. BALACHANDRAN, *Chief Secy.*

Home Secretariat

NOTIFICATION.

Bangalore, dated the 6th July 1965.

G.S.R. 594.—In exercise of the powers conferred by sub-section (1) of Section 21 of the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 (Mysore Act 10 of 1961), the Government of Mysore hereby makes the following rules further to amend the Mysore Motor Vehicles (Taxation on Passengers and Goods) Rules, 1961, the draft of the same having been previously published at page 412 in Part IV Section 2c. (ii) of the *Mysore Gazette*, dated the 22nd April 1965 in Notification No. GSR 475, dated the 8th April 1965 as required by sub-section (1) of the said section:

1. *Title.*—These rules may be called the Mysore Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Rules, 1965.

2. *Omission of rule* 13-*A*.—In the Mysore Motor Vehicles (Taxation on Passengers and Goods) Rules, 1961, rule 13-A shall be omitted.

[No. HD 183 TMT 63.]

By Order and in the name of the Governor of Mysore,

V. Ramanathan, *Under Secy.*

NOTIFICATION.

Bangalore, dated 9th July 1965.

G. S. R. 595.— The following draft of further amendments to the Mysore Motor Vehicle Rules, 1963 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and section 3 of the Motor Vehicles (Mysore Amendment) Act, 1955 (Mysore Act XVI of 1955) and all other powers enabling it in this behalf, is hereby published as required by sub-section (1) of section 133 of the said Central Act for information of all persons likely to be affected thereby, and notice is hereby given that the draft amendments will be taken up for consideration after one month from the date of publication of the draft in the official Gazette.

Any objections or suggestion which may be received from any person with respect to the draft amendments before the date specified above will also be considered by the State Government. Objections and suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT AMENDMENTS.

1. Title and commencement.—(1) These rules may be called the Mysore Motor Vehicles (Sixth amendment) Rules, 1965.

(2) They shall come into force on the date of publication in the *Mysore Gazette*.

2. Amendment of Rule 178 in the Mysore Motor Vehicles Rules 1963.— In Rule 178, after clause (b) of sub-rule (1), the following clause shall be inserted, namely :—

"(c) An appeal under sub-section (2) of Section 64 against an appellate order referred to in the said sub-section shall lie to the Revenue Appellate Tribunal within thirty days from the date of the receipt of the order;

Provided that where in respect of any order passed in any proceeding commenced before a Regional Transport Authority or its Secretary on or after the first day of July 1963, an appeal is preferred under clause (a), and an appellate order on such appeal has been passed by the State Transport Appellate Tribunal before the commencement of the Mysore Motor Vehicles (Sixth Amendment) Rules, 1965, an appeal against such order under this clause to the Revenue Appellate Tribunal shall lie within thirty days from such commencement".

[No. HD 50 TMR 65].

By Order and in the name of the Governor of Mysore,

112

V. RAMANATHAN, *Under Secy.*

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 3rd July 1965.

G. S. R. 596.—In exercise of the powers conferred by Section 38 of the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957), the Government of Mysore, hereby makes the following further amendments to the Mysore Sales Tax Rules, 1957, the draft of the same having been previously published as required by sub-section (1) of the said Section in Part IV-Section 2-C(i) of the *Mysore Gazette*, dated 27th May 1965.

AMENDMENTS

In sub-rule (2) of rule 5 of the Mysore Sales Tax Rules, 1957, for clauses (i) and (ii), the following clauses shall be substituted, namely :—

"(i) The application for grant or renewal of such permission shall be made in Form 8 during the year for which composition is applied for, within thirty days from the date of commencement of such year.

Provided that the Assistant Commercial Tax Officer having jurisdiction may on sufficient cause being shown, and for reasons to be recorded in writing condone the delay in respect of applications made after the expiry of such period of thirty days but within a period of ninety days from the date of commencement of such year.

(ii) Such permission for composition shall be granted within thirty days from the date of receipt of an

application, during the year for which the composition is applied for. The permission shall be in Form 8A and shall be for one year and may be renewed from year to year on an application made by the dealer in that behalf in Form 8. Such permission shall be valid, unless it is cancelled for any of the reasons specified in clauses (iv) and (v), for the entire year to which it relates ".

[No. FD 321 CSL 64].

By Order and in the name of the Governor of Mysore,

N. J. GOREPEERZADE, *Under Secy.*

15

121

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PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

GENERAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 6th July 1965.

G. S. R. 597.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules, namely :—

1. Title and commencement.—(1) These rules may be called the Mysore Civil Services (Confidential Reports) Rules, 1965.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

(1) "Chief Secretary" means the Chief Secretary to the Government of Mysore ;

(2) "Form" means a Form appended to these rules ;

(3) "Gazetted Officer" means an Officer of State Civil Services Class I or Class II ;

(4) "Head of Department" in respect of Presiding Officers of Courts in the Mysore Judicial Service means the Chief Justice of the High Court of Mysore ;

(5) "Non-Gazetted Officer" means an Officer of the State Civil Services Class III.

3. **Annual Confidential Reports.**—In respect of every Gazetted and non-Gazetted Officer an Annual Confidential Report shall be recorded assessing as correctly as possible such officer's physical, mental and moral suitability for his office and for promotion, his ability to apply intelligently the law and procedure prescribed to cases coming before him, his treatment of his subordinates and behaviour to his superiors and colleagues in other departments and his relations with the public.

4. **Period of Report.**—(1) The Confidential Report in respect of a Gazetted Officer shall be recorded in Form A and of a non-Gazetted Officer in Form B, covering the period of his service from the 1st January to the 31st December every year :

Provided that during the first three years of service of an officer, a Confidential Report shall be recorded covering the period of service every six months.

5. **Preparation and transmission of Reports.**—The following provisions shall be applicable in respect of the preparation and transmission of Confidential Reports, namely :—

(*a*) The report shall be written or typed by the officer preparing the report. To facilitate identification, the name of the officer recording the report shall be written in block letters below his signature and his designation also indicated.

(*b*) The name and designation of the officer in respect of whom the report is recorded shall be specified in full and in the same manner as shown in the Civil List or the Service Book.

(*c*) The report shall, unless otherwise prescribed, be made in the first instance by the officer under whose administrative control the officer in respect of whom the report is recorded is working and passed on to the next higher officer who shall add his remarks, if any, before passing it on. If the officer through whom a report passes has no knowledge of the work of the officer reported upon, he shall record a statement accordingly.

(*d*) An officer preparing a Confidential Report shall record all relevant observations and opinions which he might have formed, which shall be a frank and full appraisal of the officer's merits and demerits giving as far as possible specific instances or reasons for the particular opinions he has expressed. A report shall be prepared with the greatest caution and no record or remarks shall be made lightly on the spur of the moment or based on prejudice.

(*e*) (i) In the case of non-Gazetted Officers, the report shall be recorded by the Head of the Office.

(ii) In the case of Gazetted Officers other than officers referred to in clauses (iii) and (iv), the report shall be prepared in duplicate and transmitted through the usual channels to Government. After the Minister-in-charge has seen the report and add his remarks, if any, one copy shall be retained in the Secretariat and the duplicate returned to the Head of the Department for record.

(iii) Reports in respect of Secretaries to Government shall be prepared by the Chief Secretary and in the case of Heads of Departments by the Secretary of the Department concerned (or, where he is junior to the Head of the Department, by the Chief Secretary) and submitted to the Chief Minister through the Ministers of all the Departments with whom the Secretary/Head of Department is concerned.

(iv) In the case of officers of the Mysore Judicial Service, other than District Judges, the report shall be prepared in duplicate and transmitted through the High Court and the Chief Secretary to the Governor. In the case of District Judges the report shall be prepared in duplicate and the original transmitted by the Head of the Department to the Governor through the Chief Secretary.

(*f*) Whenever an officer is transferred in the middle of a year, a report shall be prepared unless the transfer is

within the first three months of the succeeding year, and forwarded to the officer under whose administrative control the officer is transferred, to be completed at the end of the year.

(*g*) (i) Divisional Commissioners and Project Executive Officers may, in respect of any officer working in the areas under their control, prepare a note indicating their opinions as to the manner in which the officer has conducted himself during the course of the year and forward the report to the Head of the Office in case of non-Gazetted Officers and to the Head of the Department in case of Gazetted Officers, and the Head of the Office or the Head of the Department shall forward such reports along with the Annual Confidential Reports of the officers concerned. Such reports shall form part of the Confidential Record of the officer concerned.

(ii) Copies of notes made by the Judges of the High Court during the inspection of subordinate Courts indicating their opinions as to the manner in which the presiding officers of such Courts have conducted themselves and of observations made in judgments or orders of the High Court as regards the work of presiding officers of Courts shall be forwarded to the Governor along with the Annual Confidential Reports of the officers concerned. Such notes and observations shall form part of the Confidential Record of the officer concerned.

6. **Particulars in a Confidential Record.**—The first page of the Confidential Record of every officer shall be in Form 'C' and the particulars mentioned therein shall be filled at the time the first report is prepared, the entries being altered from time to time when necessary.

7. **Punishments.**—The penalty of censure imposed on an officer or orders regarding any other disciplinary action

shall not be recorded in the Annual Confidential Reports, but a copy of the letter or order imposing censure or other punishment shall be included in the officer's Confidential Report File.

8. Communication of Remarks.—(1) All adverse remarks whether through an ordinary or special report shall be communicated to the officer concerned, unless the adverse remarks are of such a nature that the communication thereof is unlikely to result in the remedy of the defect or is considered inadvisable for any other reason. While communicating an adverse remark, the name of the officer recording the adverse remark shall not be communicated to the officer reported upon. Where a report shows that an officer has made successful efforts to remedy defects to which his attention has been drawn previously, it shall be communicated to him.

(2) When an officer has done outstanding work in the course of a year and earned appreciation, it shall be communicated to him.

(3) The fact of communication of remarks under sub-rule (1) or (2) and the manner of communication shall be recorded in the confidential file.

(4) The responsiblity of communication shall be:—

(*a*) in respect of Secretaries and Heads of Departments, on the Chief Secretary;

(*b*) in respect of officers of the Mysore Judicial Service, on the Head of the Department;

(*c*) in respect of other Gazetted Officers, on the Secretary to the Government in the Department concerned;

(*d*) in respect of others, on the Head of the Office.

9. No appeal against remarks in reports.—No appeal shall lie against adverse remarks made in the Annual Confidential Reports.

10. Special Reports.—(1) Special Reports may be called for at any time on the work of any officer by the Governor or the State Government. Such reports shall be prepared and sent through the appropriate channels and shall be confined to the question or questions raised.

(2) A superior officer may, at any time of his own accord, forward a report on an officer working under him, should he consider that the conduct of an officer makes such action necessary. Such reports shall also be submitted through the appropriate channels.

(3) Any special reports about an officer's fitness for promotion or about his conduct may be included in the Confidential Report at the discretion of the officer or authority in whose custody the confidential file is kept.

11. Date of submission.—The first reporting officer shall forward the report by the 1st February following the year of report, and the successive authorities shall pass on the report with their remarks to the next higher authority within one week of its receipt by them.

12. Register to watch disposal of Reports.—A register in Form D shall be maintained by all Heads of Offices, Secretaries to Government, the Chief Secretary and the High Court to watch the timely receipt of Confidential Reports and their final disposal by the prescribed dates.

13. Previous Reports in respect of Officers of the Mysore Judicial Service.—Copies of annual and other Confidential Reports in respect of Officers of the Mysore Judicial Service prepared before the date of commencement of these rules shall be sent by the High Court to the Governor within a period of one month from such date.

14. Repeal.—Government Order No. OSD 13 OMP 57, dated the 13th July 1957, in so far as it relates to officers to whom these rules are applicable, is hereby repealed.

FORM 'A'

(*See* Rule 2)

GOVERNMENT OF MYSORE

Annual Confidential Report on Gazetted Officers for the year 19 .

Date of birth.....

1 Name of officer ... ...
2 Appointments held during the year (with dates) and pay and scale of pay ...
3 General qualifications and aptitude for post held including any special or technical and professional attainments ...
4 Manner in which the officer discharged his duties during the year, *i.e.*, if satisfactory or otherwise (specific instances of unsatisfactory work if adversely commented on to be cited with number and date of orders passed or communication made).
5 Does the officer exhibit :—
(a) Patience ... ...
(b) Tact ... ...
(c) Courtesy ... ...
(d) Impartiality in his relations with the public and subordinates with whom he comes in contact ? ... ...
6 Matters of official and public interest in which the officer has specialised himself or takes special interest... ...
7 General remarks* ... ...
8 Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointments in the service ?

Reporting Officer { Name.....
Designation.....

General

Opinion of Head of Department (when not Reporting Officer) on conduct and efficiency of officer reported on.

Head of Department.

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* The Reporting Officer should give his opinion and impressions in a concise narrative form so as to cover the officer's knowledge of procedure and departmental technique, his habits, integrity, fidelity and moral standards and on any matter bearing on his efficiency and usefulness as an officer.

FORM 'B'

(*See* rule 2)

GOVERNMENT OF MYSORE

(.....Department).

Annual Confidential Report on Non-Gazetted Officers
for the year 19 .

Name.....Rank.....
Appointment held.....Date of :—(*a*) Birth.....
(*b*) Entry to Government Service.....Present Grade.....

SECTION I

Performance of duties in present grade

1	Knowledge—	
	(*a*) of work of post held	...
	(*b*) of Branch or Section	...
	(*c*) of Department	...
2	Personality and Character	...
3	Judgement	...
4	Power of taking responsibility	...
5	Initiative	...
6	Accuracy	...
7	Promptness	...
8	Address and tact	...
9	Power of supervising staff	...
10	Zeal and industry	...
11	Health	...
12	Attendance	...
13	Official Conduct (Discipline)	...
14	Fitness to hold the present post, including in respect of ministerial staff, his capacity to note/draft	...
15	General remarks (including a statement on integrity and reliability and a note of any special qualifications not included above)	...

SECTION II

Degree of Fitness for Promotion

Delete all but one of the following :—

Exceptionally well—qualified/Highly qualified/Qualified/Not yet qualified.

Remarks—

Signature of Reporting Officer.

Date.....

Rank..... .....

Remarks by Countersigning Officer.

Signature of Head of Department.

Date..... ... ...

NOTES

(SECTION I)

Note (1).—Insert in this column A, B, C, D or E, against each item to the following appraisement :—

A. Outstanding.

B. Very good.

C. Satisfactory.

D. Indifferent.

E. Poor.

Note (2).—An 'A' or 'B' marking is inappropriate to items 12 and 13.

Note (3).—This report is to be regarded as confidential ; but D and E markings against any item must be communicated to the officer concerned, except in the following circumstances :—

(i) Where the marking is due to inexperience owing to less than one year's service in the grade (except in cases of unsatisfactory conduct, laziness, etc.)

(ii) Where the weakness has already been notified and it is clear that no useful purpose can be served by repeated notifications, in such cases the officer should be advised of the proposal to discontinue future notifications to the same effect as those he has previously made. Any change, for better or worse, should be notified to the officer.

SECTION II

Note (4).—The estimate of fitness for promotion should be related to the officer's capacity, for the performance of the duties of the grade above. If he is marked "Exceptionally well qualified" or "Not yet qualified", the reasons for the marking should be stated ; and in general, Reporting Officers should make the fullest use of the "Remarks" space.

General

Note (5).—Every effort should be made to arrive at a just estimate of the qualities of the officer at the time the report is made. Reporting Officers should rely on their own judgment and experience, and the current report should be written, in the first place, without reference to the previous reports. Thereafter the previous reports may be referred to, to the extent of either contradicting or lessening the effect of the adverse remarks made in the previous years' Confidential Reports.

FORM 'C'

See Rule 6)

(Details to be Given on the first page of every Confidential Report)

(1) (*a*) Name ...
(*b*) Father's name (Husband's name, in case of married woman).
(2) (*a*) Date of birth ...
(*b*) Place of birth –Village and District.
(3) Nationality ...
(4) (*a*) Home Address ...
(*b*) Village ...
(*c*) Taluk ...
(*d*) District, etc. ...
(5) Relations in Government Service with posts held by them :—
Father or Son of the Officer.
Wife or Daughter ...
Brother or Sister ...
Father–in–law or Mother–in–law.
Son–in–law or Daughter–in–law.
First Cousins ...
(6) Immoveable property, giving full details, held by the officer or by his family. ...
(7) Full details of educational career :—

Schools or Colleges attended.	Period.	Examinations passed.	Year.	Subjects.	Class or divisions secured.

(8) Languages he can read and write.

FORM 'D'

(*See* Rule 10)

Registerd to watch the Receipt and disposal of Confidential Reports.

1	2	3	4	5	6	7	8
Sl. No.	Name of the officer to be reported upon	Designation	Due date	Date of receipt	Date when sent to the Chief Secretary to Govt. (or Minister) or Governor	Adverse remarks if any, communicated on	Remarks

[No. GAD 86 SSR 65].

By Order and in the name of the Governor of Mysore,

123 K. S. N. MURTHY, *Deputy Secretary*.

Finance Secretariat.

NOTIFICATION.

Bangalore, dated 6—9th July 1965.

G. S. R.598.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following further amendment to the Mysore Civil Services Rules, namely,—

1. Title.—These rules may be called the Mysore Civil Services (Seventeenth Amendment) Rules, 1965.

2. Amendment to rule 463.—To Note 1 below rule 463 of the Mysore Civil Services Rules, the following Exception shall be inserted, namely,—

"*Exception.*—The provisions of the above Note shall not apply to journeys on tour between Hubli and Dharwar."

[No. FD 21 SRS 65].

By Order and in the name of the Governor of Mysore,

C. Britto, *Under Secy.*

Education Secretariat.

NOTIFICATION.

Bangalore, dated 29th June 1965.

G.S.R. 599.—In exercise of the powers conferred by Section 24 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the Government of Mysore hereby makes the following rules further amending the Mysore Compulsory Primary Education Rules 1961, the draft of the same having been previously published as required by sub-section (1) of the said Section, in Notification No. G.S.R. 391, dated 3rd February 1965, in Part IV, Section-2C (i) of the *Mysore Gazette*, dated 11th February 1965, namely :—

1. **Title.**—These rules may be called the Mysore Compulsory Primary Education (Amendment) Rules, 1965.

2. **Amendment of Rule 2.**—In rule 2 of the Mysore Compulsory Primary Education Rules, 1961 (hereinafter referred to as the said rules), after clause (1), the following clauses shall be inserted, namely :—

"(1A) "Administrative Officer" means in the Bombay Area, the officer in administrative charge of District School Boards and Municipal School Boards and in the Madras Area, the officer in administrative charge of Authorised Municipalities in Udipi and Mangalore ;"

"(1B) "Assistant Educational Officer" means in the Mysore Area and the Hyderabad Area, the Assistant Educational Officer in charge of a revenue sub-division ; "

"(1C) "Form" means a form appended to the rules ;"

3. **Amendment of Rule 3.**—In rule 3 of the said rules, in the heading, for the word "under" the words "for purposes of" shall be substituted.

4. Amendment of Rule 9.—In item (2) of sub-rule (b) of Rule 9 of the said rules, for the words "before three corporators in a Corporation Area, or three Municipal Councillors in a Municipal Area ; or", the words "before a member of the Taluk Board in a Taluk Board Area, or a Councillor of the Corporation in a Municipal Corporation area or a Municipal Councillor in a Municipal area" shall be substituted.

5. Amendment of Rule 11.—In clause (a) of rule 11 of the said rules, for the words "parent of such a child", the words "parent or guardian of such a child" shall be substituted.

6. Amendment of Rule 12.—In rule 12 of the said rules,

(1) in clause (b), for the words "approved schools now", the words "approved schools thereafter" shall be substituted ;

(2) in clause (c), for the words "ceased under the scheme", the words "ceased to be covered by the scheme" shall be substituted.

7. Substitution of new Rule for Rule 13.—For rule 13 of the said rules, the following rule shall be substituted, namely :—

"**13. Issue and service of attendance notices.**—An Administrative Officer or an Inspector of Schools or an Attendance Authority shall cause to be served on the parent of every child to whom the scheme applies who is not attending any approved school a notice in Form V.

(2) A notice under sub-rule (1) shall be served not less than fifteen days before the day from which the Child must first attend the school.

(3) The service of a notice under this rule may be made,—

(*i*) by delivery to the parent in person ; or

(*ii*) where such parent cannot be found, by delivery to some adult member of his family : or

(*iii*) where service as aforesaid cannot be made, after obtaining the previous permission of the officer issuing the notice, by affixing a copy on the last known place of residence of such parent."

8. **Amendment of Rule 16.**—In rule 16 of the said rules,-

(1) in sub-rule (2),—

(*a*) for the words "for a period not exceeding seven days or grant leave of absence for a period not exceeding seven days at a time, and not more than twice in a year", the words "for a period not exceeding seven days at a time, or grant leave of absence for a period not exceeding fourteen days in a year" shall be substituted;

(*b*) after clause (c), the word "or" and the following clause shall be inserted, namely :—

"(*d*) any other valid reason";

(*c*) in the second paragraph, for the words "granted by the Head Teacher", the words "granted by him" shall be substituted, and the second sentence shall be omitted;

(2) in sub-rule (3),—

(*a*) for the words "leave of absence exceeds seven days", the words "leave of absence exceeds seven days at a time" shall be substituted;

(3) in sub-rule (4), for the words "for a period exceeding one month", the words "for a period exceeding one month but not exceeding forty-five days" shall be substituted.

9. **Amendment of Rule 17.**—In rule 17 of the said rules, the word "measured" shall be omitted.

10. **Amendment of Rule 20.**—In rule 20 of the said rules,—

(*a*) for the word and figures "*form VI*" the word and figures "Form VII" shall be substituted;

(*b*) the words "given in the Appendix to these Rules" shall be omitted.

11. Amendment of rule 21.—In rule 21 of the said rules,—

(1) in sub-rule (1), for the words "attended his/her school", the words "attended the school" shall be substituted; and for the words "him/her" occurring for the second time, the word "him" shall be substituted;

(2) in sub-rule (2), for the words "left his/her school" the words "left the school" shall be substituted;

(3) in sub-rule (3), for the words "joined school" the words "joined the school" shall be substituted;

12. Amendment of rule 22.—In rule 22 of the said rules,

(*a*) for the words "order is proposed" the words "order is proposed to be made" shall be substituted;

(*b*) for the words "such an order cannot be made" the words "such an order should not be made "shall be substituted.

13. Amendment of rule 24.—In rule 24 of the said rules, the words "if there are sufficient number", the words "if there is a sufficient number" shall be substituted.

14. Amendment of rule 25.—In rule 25 of the said rules, the words "specified in the Appendix" shall be omitted.

15. Amendment of rule 26.—In rule 26 of the said rules, for the words "appropriate authority", the words "Administrative Officer or the District Educational Officer as the case may be" shall be substituted.

16. Amendmnet of rule 27.—In rule 27 of the said rules,—

(1) for the words "Registers and Statements" the words "Registers and Lists", shall be substituted;

(2) for item (3), the following item shall be substituted, "(3) Children's Attendance Register";

(3) in item (4), for the word "Teacher's" the word "Teachers'" shall be substituted;

(4) in item (5), for the word "Statements", the word "Lists" shall be substituted.

17. Amendment of Form II.—In Form II appended to the said rules,—

(1) in column 2, for the words "Serial Number" the words "House Number" shall be substituted;

(2) in column 5, for the words "in figures in words" the words "in figures and in words" shall be substituted;

(3) for the figures and letters "5A" and "5B", in columns 5A and 5B, the figures "6" and "7" shall respectively be substituted;

(4) in columns 6, 7 and 8, for the figures "6", "7" "8", the figures "8", "9", "10" shall respectively be substituted;

(5) for the words "Signature and Thumb impression of parent or guardian", the words "Signature or thumb impression of parent or guardian or other person who has the actual custody of the child" shall be substituted.

18. Amendment of Form III.—In Form III appended to the said rules, for the words and lines—

"Administrative Officer / Inspector of Schools"	the words and lines,
"Administrative Officer / Inspector of Schools / Attendance Authority"	shall be substituted.

19. Amendment of Form V.—At the end of Form V appended to the said rules, after the extract of section 7 of

the Act, the following extract of rule 19 shall be added, namely :—

Rul. 19 —**Other circumstances which may be reasonable excuse for non-attendance.**—Other circumstances, which may be reasonable excuse for non-attendance under Clause (h) of Section 9 shall be—

(*a*) disturbed conditions in the locality within the distance of a mile from school;

(*b*) prevalence of an infectious disease in the locality

(*c*) floods or other natural calamities in the locality within a distance of a mile from the School."

20. Amendment of Form VII.—In Form VII appended to the said rules,—

(1) for the word and figures "Rule 22" in both the places where they occur, the word and figures "Rule 20" shall be substituted;

(2) for the word, figures and brackets "Section-73 (2)" in both the places where they occur, the word, figures and brackets, "Section 13(2)" shall be substituted.

21. Amendment of Form VIII.—In Form VIII appended to the said rules.—

(1) in paragraph 8, the word "maximum" shall be omitted;

(2) under the heading "Documents filed" for item 1, the following item shall substituted, namely :—

"1. Certified copy of the enumeration form signed by the parent or guardian or the statement given by the parent or guardian referred to in item (2) of sub-rule (b) of rule 9."

22. Amendment of Form X.—In Form X appended to the said rules,

(1) in paragraph 6, the word "maximum" shall be omitted; and

(2) under the heading "Documents filed", for item 1, the following item shall be substituted, namely:—

"1. Certified copy of the enumeration form signed by the parent or guardian or of the statement given by the parent or guardian referred to in item (2) of sub-rule (b) of rule 9."

[No. ED 234 PMS 63.]

By Order and in the of the Governor of Mysore,

124 T. R. JAYARAMAN. *Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 13th July 1965.

G. S. R. 600.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Mysore hereby makes the following rules, namely :—

1. Title.—These rules may be called the Honorary Medical Officers and Honorary Assistant Medical Officers, to Medical Institutions (Conditions of Service) (Amendment) Rules, 1965.

2. Amendment of preamble to the principal rules.—In the preamble to the rules regulating recruitment and conditions of service of Honorary Medical Officers and Honorary Assistant Medical Officers, to Medical Institutions, 1960 issued in Notification No. LLH 524 MEG 59, dated 29th July 1960 (hereinafter referred to as the principal rules) for the word and figures "Article 283(2)", the words and figures "the proviso to article 309" shall be and shall always be deemed to have been substituted.

3. Amendment of rule 1.—In rule 1 of the Principal rules, for the words "Rules regulating Recruitment and the conditions of Service of Honorary Medical Officers and Honorary Assistant Medical Officers, to Medical Institutions", the words "Honorary Medical Officers and Honorary Assistant Medical Officers, to Medical Institutions (Recruitment and Conditions of Service) Rules", shall be substituted.

4. Amendment of rule 19.—Sub-rule (4) of rule 19 of the principal rules shall be deleted.

5. Insertion of rule 19-A.—After rule 19 of the Principal rules, the following rule shall be inserted, namely :—

"**19-A. Free Medical Assistance.**—The Honorary Medical Officers and Honorary Assistant Medical Officers including Medical Officers appointed as consulting Physicians and Surgeons of Hospitals shall be entitled to free Medical Attendance and treatment in Government Medical Institutions. They shall be eligible for free Medical and Surgical Treatment as is normally provided in the Hospital. They shall be also entitled to X-Ray Examination, Electrical and radium treatment and other special examinations or treatment free of charge, if facilities for such examination and treatment are available in the hospital. They shall be supplied free of charge, medicines, Sera, vaccine required for treatment, which are ordinarily stocked in the Hospital. They shall be eligible for admission in paying wards, free of charge, as shown below :—

1.	Consulting Physicians and Surgeons (Honorary).	Rs. 10 paying ward or any paying ward below Rs 10.
2.	Honorary Medical Officers.	
3.	Honorary Assistant Medical Officer	Rs. 5 (Five) paying ward or any paying ward below Rs. 5.

[No. PLM 385 MEG 62.]

By Order and in the name of the Governor of Mysore,

126 L. A. DHAMANIGI, *Deputy Secretary.*

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PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

PUBLIC HEALTH LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

ORDER

Bangalore, dated 6th July 1965.

S.O. 2778.—WHEREAS by State Government Order No. LLH 491 ILD 59, dated 25th November 1959, the Industrial Dispute between the Workmen and the Management of A. K Appanna Setty & Sons and other Rice and Oil Mills of Tumkur was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS before the said Industrial Tribunal, a complaint was made under Section 33-A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by (1) Huchamma, (2) Mallakka, (3) Dasappa, (4) Mariappa, (5) Gangaiah alleging that they were wrongfully dismissed from service;

AND WHEREAS the said Industrial Tribunal, adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33-A of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. PLM 322 LLD 65.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated, 23rd May 1965.

Present

Sri R. Krishna Setty, B.A., LL.B., Presiding Officer.

Complaint No. 5 of 1960
in I. T. No. 25 of 1959.

Complainants.—(1) Huchamma, (2) Mallakka, (3) Dasappa, (4) Mariyappa and (5) Gangaiah, Employees of Gowri Shankar Oil Mills, Madhugiri Road, Tumkur.

Vs.

Opposite Party.—Management of Sree Gowri Shankar Oil Mills, Madhugiri Road, Tumkur.

Representations.—The Complainants absent and nobody represented them. The Opposite Party was represented by Sri G. S. Ullal, Advocate.

Government Reference G. O. No. LLH 491 ILD 59, dated 25th November 1959.

AWARD.

An industrial dispute between the workmen and management of Sri A. K. Appanna Setty Rice and Oil Mills, Tumkur, and nine other factories at Tumkur existed in regard to wages, benefit of Provident Fund Scheme, Dearness Allowance, uniforms, leave with wages, festival and national holidays and wages for weekly holidays. In exercise of the Powers conferred upon them under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Government of Mysore by their Order No. LLH 491 ILD 59, dated 25th November 1959 as amended by their corrigendum of even number dated 3rd March 1960, referred the aforesaid dispute to this tribunal presided over by Sri D. H. Chandrasekharaiya, B.A., LL.B., for adjudication. In the vacancy caused by the terimination of the services of Sri D. H. Chandrasekharaiya, Sri S. S. Malimath, B.A., LL.B., was appointed as Presiding Officer by the Government in their order No. LLH 112 LLE 60, dated 5th July 1960 read with Order No. LLH 170 LLE 60, dated 13th July 1960. The matter therefore came before him for adjudication. The District Mills and Factories Workers' Union represented by its President Sri K. Mallanna, filed the claim statement on 29th January 1960 making several demads. The important ones related to the increase in daily wages, special wages for night work, yearly bonus, permanancy of employment, admission to Provident Fund, Dearness Allowance, uniforms and wages on festival holidays and even on weekly holidays. The managements of 9 Oil Mills and one Brick and Tile Works, Tumkur, resisted their claim on more grounds than one. Sri . .

Chandrasekharaiya, on the basis of the pleadings, had framed 5 issues, and the 4th issue was as follows :—

> "4. Is there no industrial dispute for the reason that the majority of the employees have not joined it ?"

The managements insisted that the 4th issue should be taken up for preliminary hearing. Sri D. H. Chandrasekharaiya rejected that request. The management in writ petition No. 1327 of 1960 on the file of the High Court of Mysore impeached the legality of that order of rejection to try the 4th issue as a preliminary issue. By their Order dated 12th July 1961 the High Court of Mysore directed this Tribunal to try the 4th issue in the first instance. Accordingly Sri S. S. Malimath heard the parties on that preliminary issue and held on 30th April 1962 that there was an industrial dispute and proceeded further. During the pendency of the said dispute the Complainants Huchamma, Mallakka, Dasappa, Mariyappa and Gangaiah, employees of Sree Gowri Shankar Oil Mills, Tumkur, Sl. No. 6 of the II Party in that dispute, presented a complaint dated 23rd November 1960 under Section 33A of the Industrial Disputes Act, 1947, alleging that their employer had wrongfully dismissed them from service. Sri S. S. Malimath, my predecessor in office held the enquiry into that complaint (Complaint No. 5 of 1960) and came to the conclusion that the order of dismissal was illegal and therefore directed the Opposite Party to reinstate them in their former posts and to pay them their back wages. In the meanwhile on 2nd November 1962 Sri S. S. Malimath had passed an award on other points. In Writ Petition Nos. 54 of 1963 and 132 of 1963 the Opposite Party had questioned the correctness of the finding on the 4th issue and the legality of the order on the complaint. The High Court by their order dated 1st April 1965 upheld those contentions and quashed the orders of this tribunal dated 30th April 1962 as well as the award dated 12th November 1962 and remanded back to this tribunal for disposal according to law.

2. After receipt of the said order from the High Court, a Notice was issued to Mr. K. Mallanna the President of the Mills and Factories' Workers Union, who was representing the Complainants and also the workmen of the II Party establishments. Sri Mallanna on whom the burden of proving the 4th issue in I. T. No. 25 of 1959, lay, did not appear though served. On the other hand he sent a Memo dated 17th June 1965 to the effect that the Union was not in existence and that he has no longer any authority to represent the employees including the Complainants in the case and that the tribunal might proceed to pass orders according to law. Since the I Party Union was not interested in the prosecution of the said dispute and has not shown that

the dispute referred to this tribunal was an industrial dispute, I was of opinion that the dispute continued to be an individual dispute and that this tribunal has no jurisdiction to deal with the matter. Accordingly I made an award rejecting the Reference.

3. Sri G. S. Ullal the advocate for the Opposite Party contended that in view of my finding on the 4th issue in the said industrial dispute, the present complaint cannot be entertained under Section 33A of the industrial Disputes Act, 1947. I am of opinion that this contention is well founded and ought to prevail. In Gowri Shankar Oil Mills *vs* the Industrial Tribunal and others reported in 1962 II LLJ 527, the interpretation of Section 33A and 33 (2) (b) had come up for consideration, before their Lordships of the Mysore High Court. It was held therein that it was clear from the provisions of Section 33 (2) (b) of the Industrial Disputes Act, that before an employee could complain that its provisions have been contravened, it should be established that "a proceeding in respect of an industrial dispute" was pending before the industrial tribunal when the employees were dismissed. The requirement to proviso to sub-section 2 of Section 33 that a workman should be discharged only if he had been paid wages for one month and an application has been made thereafter for approval of the action taken by the employer, can have no application if no proceeding in respect of an industrial dispute is pending before a tribunal when the employee is dismissed. What gives jurisdiction to the tribunal to enquire into a complaint made under Section 33A is the pendency of a proceeding in respect of an industrial dispute before it at the stage when the employee is dismissed. It was therefore clear that before the industrial tribunal could adjudicate upon the complaint made by the employee under Section 33A of the Industrial Disputes Act, it had to record a positive finding that there was a proceeding pending before it in respect of an industrial dispute. According to this decision if an industrial dispute is not pending before this tribunal, a complaint under Section 33A is not maintainable. In I. D. No. 25 of 1959 I have held that the dispute referred to this tribunal for adjudication was not an industrial dispute and therefore this tribunal had no jurisdiction to deal with the matter and so rejected the Reference. It was during the pendency of such a dispute that the present complaint had been filed under Section 33A of the Act. In as much as an industrial dispute was not pending before me when this complaint was made, it follows that a petition under Section 33A is liable to be rejected and is accordingly rejected.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.

GOVERNMENT OF MYSORE.

(LABOUR DEPARTMENT.)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Sri A. K. Appanna Setty & Sons, Rice & Oil Mills, Tumkur and 9 other Factories at Tumkur.

Award of the Industrial Tribunal, Bangalore—published.

Read the following papers :—

1. Letter No. IT. 440/65-66, dated 19th June 1965, from Sri R. Krishna Setty, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 19th June 1965.

Present:

Sri R. Krishna Setty, B.A., LL.B. ... *Presiding Officer.*

I. T. No. 25 of 1959.

I Party:

The workmen of :—

1. Sri A. K. Appanna Setty & Sons, Rice & Oil Mills, Sira Road, Tumkur,
2. Sri Mahadeva Rice & Oil Mills, B. H. Road, Tumkur,
3. Sri Ananthanath Oil Mills, B. H. Road, Tumkur,
4. Gubbi Oil Mills, B. H. Road, Tumkur,
5. Sri Ganapathi Oil Mills, Bheemasandra, B. H. Road, Tumkur,
6. Sri Govrishankara Oil Mills, Madhugiri Road, Tumkur,
7. Sri Mahaveera Rice & Oil Mills, Sira Road, Tumkur,
8. Sri Srikanteswara Oil Mills, Sira Road, Tumkur.
9. Sri Santhinath Rice & Oil Mills, Sira Road, Tumkur,
10. Tumkur Brick & Tile works, Tumkur.

II Party:

The Management of :—

1. Sri A. K. Appanna Setty & sons, Rice & Oil Mills, Sira Road, Tumkur.
2. Sri Mahadeva Rice & Oil Mills, B. H. Road, Tumkur.
3. Sri Ananthanath Oil Mills, B. H. Road, Tumkur.
4. Gubbi Oil Mills, B. H. Road, Tumkur.
5. Sri Ganapathi Oil Mills, Bheemasandra, B. H. Road, Tumkur.
6. Sri Govrishankara Oil Mills, Madhugiri Road, Tumkur.
7. Sri Mahaveera Rice & Oil Mills, Sira Road, Tumkur.
8. Sri Srikanteswara Oil Mills, Sira Road, Tumkur.
9. Sri Santhinath Rice & Oil Mills, Sira Road, Tumkur.
10. Tumkur Brick & Tile works, Tumkur.

Appearances

For the I Party : None Present.

For the II Party: Sri V. K. Balasundaram, B.A., LL. B., for the Managements of No. 1, 2, 5, 7, 8, 9 and 10.
Sri A. K. K. Tareen for the Management No. 6.
Managements Nos. 3 and 4-Absent.

Reference : G. O. No. LLH 491 LLD 59, dated 25th November 1959.

AWARD

An Industrial Dispute between the workmen and the Management of Sri A. K. Appanna Setty and Sons, Rice and Oil Mills, Tumkur, and 9 other Factories at Tumkur existed in regard to wages, benefit of Provident Fund Scheme, Dearness Allowance, Uniforms, leave with wages on festival and National holidays and wages for weekly holidays. In exercise of the powers conferred under Section 10 (1) (d) of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), the Government of Mysore by their Order No. LLH 491 LLD 59, dated 25th November 1959 as amended by their corrigendum of even Number and dated 3rd March 1960 referred the aforesaid dispute to this Tribunal presided over by Sri D. H. Chandrasekharaiya, B.A., LL.B., for adjudication. In the vacancy caused by the termination of the services of Sri D. H. Chandrasekharaiya, Sri S. S. Malimath, B.A., LL.B., was appointed as Presiding Officer by the Government in their order No. LLH 112 LLE 60, dated 5th July 1960 read with Order No. LLH 170 LLE 60, dated 13th July 1960. The matter, therefore, came up before him for adjudication. The District Mills and Factories Workers' Union represented by its President, Sri K. Mallanna, filed the claim statement on 29th January 1960 making several demands. The important ones related to the increase in daily wages, special wages, for night work, yearly bonuses, permanency of employment, admission to provident fund, dearness allowance, uniforms and wages on festival holidays and even on weekly holidays. The Managements of nine Oil Mills and one brick and tile works, Tumkur resisted that claim on more grounds than one. Sri D. H. Chandrasekharaiya, on the basis of the pleadings, had framed 5 Issues and the 4th Issue was as follows :—

> "Is there no industrial dispute for the reason that the majority of the employees have not joined it."

The Managements insisted that this 4th Issue should be taken up for preliminary hearing. Sri D. H. Chandrasekharaiya rejected that request. The Managements in Writ Petition No. 1327 of 1960 on the file of the High Court of Mysore impeached the legality of that order of rejection to try the 4th Issue as a preliminary Issue. By their Order dated 12th July 1961, the High Court of Mysore directed the Tribunal to try the 4th Issue in the first instance. Accordingly, Sri S. S. Malimath, heard the parties on that preliminary Issue and held on 30th April 1962 that there was an industrial dispute and proceeded further. Finally on 12th November 1962, he passed an Award on other points. In Writ Petition No. 54 of 1963 on the file of the Hon'ble High Court, Sri Govrishankar Oil Mills, one of the Managements of the II Party, questioned the correctness of this finding on the ground that the Tribunal did not address itself properly to the jurisdictional issue *viz.*, Whether the dispute referred is an industrial dispute or an individual dispute and as such, the entire Award should be quashed. The High Court by their Order dated 1st April 1965 upheld that contention and quashed the order of this Tribunal dated 30th April 1962 as well as the Award dated 12th November 1962 and remanded the case back to this Tribunal for disposal according to law.

(2) After the receipt of the said order from the High Court, notices were issued to the President of the I Party and the Managements of the II Party. On behalf of the 1st, 2nd, 5th, 7th, 8th, 9th and 10th Members of the II Party, Sri V. K. Balasundaram, advocate, filed a Memo to the effect that neither those Members nor their employees were parties to the Writ Petition in No. 54 of 1963, that the said Members were bound by the Award already passed and as a matter of fact, have implemented the terms thereof and therefore those members were not necessary parties for further proceedings. Nobody represented the 3rd and 4th Managements, though they were served. The 6th Management, Sri Govrishankar Oil Mills was represented by Sri G. S. Ullal and Sri A.K.K. Tareen. They contended that the I Party has got to prove the IV Issue *viz.*, That the dispute referred to this Tribunal for adjudication is an industrial dispute and as such this Tribunal has got jurisdiction to deal with the matter.

(3) Notice was sent to Sri Mallanna, the President of the I Party Union, for his appearance so that he might adduce evidence on the IV Issue. But Sri Mallanna who is not only the President of the I Party Union, but also an Advocate sent a Memo dated 17th June 1965 to the effect that the said Union is not in existence

and that he has no longer any authority to represent the employees in the case and that the Tribunal might proceed to pass orders according to law.

(4) Now that the President of the I Party admits that the Union is no longer in existence and that, therefore, he was not going to represent either that Union or the employees, it follows that the workmen are not interested in the prosecution of this case. The burden of proving the IV Issue is on the workmen. Since the workmen have lost all interest in the case, they are not adducing any evidence. I must therefore hold the IV Issue against them.

(5) In view of the fact, that the I Party Union is not interested in showing that the dispute referred to this Tribunal is an Industrial Dispute, it must follow that the dispute continues to be an individual dispute and that this Tribunal has no jurisdiction to deal with it.

(6) For these reasons, I make an Award rejecting the Reference.

R. KRISHNA SETTY,
Presiding Officer, Industrial Tribunal,
Bangalore.

ORDER

Bangalore, dated the 5th July 1965.

S O. 2779.—WHEREAS by State Government Order No. LLH 491 LLD 59, dated 25th November 1959, the Industrial Dispute between the Workmen and the Management of Sri A. K. Appanna Setty & Sons, Rice & Oil Mills, Tumkur and 9 other Factories at Tumkur was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette.*

[No. PLM 320 LLD 65.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

(LABOUR DEPARTMENT).

Labour Dispute :—Industrial Dispute between the workmen and the Management of the New Taj Mahal Cafe (P) Ltd., Mangalore.

Award of the Labour Court, Hubli—published.

Read the following papers :—

1. Letter No. 325/65/66, dated 19th June 1965 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Hubli.

IN THE COURT OF THE PRESIDING OFFICER.
LABOUR COURT, HUBLI.

Dated this 19th day of June 1965.

Present :

Sri P. T. Kadkol, B.Sc., LL.B., Presiding Officer.

Ref. No. 4/65

Between :

Workmen represented by The Secretary, Vanijya Shramika Sangha, Felix Pai Bazaar, Mangalore-1.

.....*I Party.*

and

The Management of New Taj Mahal Cafe (P) Ltd., Car Street, Mangalore-1.

...*II Party.*

Reference : Government Order No. PLM 522 LLD 64, Dated 30th December 1964.

AWARD

The Government of Mysore, being of opinion that an Industrial Dispute exists between the workmen and the Management of the New Taj Mahal Cafe (P) Ltd., Mangalore, have referred it for adjudication to this Court U/s 10 (1) (c) of the Industrial Dispute,

Act, 1947 by their Order No. PLM 522 LLD 64, dated December 30, 1964. The Points of Dispute referred for adjudication as formulated in the Order of reference are :—

> "Are Sriyuths B. Panduraya Gowda (No. 1341) and K. Krishna (No. 1530) workers of New Taj Mahal Cafe (P) Ltd., Car Street, Mangalore entitled for reinstatement with back wages and continuity of service or to any other relief ?"

2. The cause of the two aggrieved Workmen has been sponsored by the Vanijya Shramika Sangh, Mangalore, which is a registered Trade Union. This Union as representing the Workmen, is the First Party and the Management of the New Taj Mahal Cafe is the Second Party in this proceeding. The Union is represented by Mr Prabhakar Ghate, and the Management by Mr. K. Shasnidhar Rao.

3. In response to the Notices issued by this Court, the Union has put in its Claim Statement and the Management has put in its counter statement.

4. One of the contentions raised in the counter statement is, that this Court has no jurisdiction to entertain this Reference and adjudicate upon it, as the dispute referred is not an Industrial Dispute. This contention, however was given up by the management and this fact has been recorded in the Order Sheet dated 17th March 1965, under the signatures of the learned representatives of both the parties.

5. Both the parties have led oral evidence and produced some documents. The union has examined the aggrieved workmen Panduraya Gowda (W.W. 1) and K. Krishna (W.W 3) and a witness by name Shivappa Chandu (W.W. 2) and produced Eighteen (18) documents marked in evidence as Exs. P. 1 to P. 18. The Management has examined two of its officials, namely Assistent Manager Gopal Nayak (M.W. 1) and Clerk Balakrishna Kamath (M.W 2) and produced twenty-six (26) documents marked as Exs. M. 1 to M. 26. Some of the documents produced by the Union are the same as those produced by the management.

6. The averments made by the union, with respect to Panduraya Gowda, in the claim statement are these :—

> "Panduraya Gowda, a permanent workman, was serving as a 'supplier' in the Maidan Hotel of the Second Party; on 5th March 1964, he was refused work by

the Manager of that Establishment at about noon, on some flimsy grounds; thereupon he went to the Administrative Officer of the second party to report the matter; the General Manager promised to look into the matter and intimate the result; though he reported for duty thereafter, he was not given any work; after a protracted correspondence, the management asked him to report for duty; he reported for duty on 3rd August 1964; but out of spite for him, he was asked to do duty as "cleaner", which was not his normal duty; he protested and demanded the work of a "supplier" or any other work equivalent to it; he was, however, asked to clear out; he was not bound to carry out the order of the Management to work as "cleaner" as it was neither legal nor justified; as he was refused his normal work, he has to remain unemployed and so, the management should be directed to reinstate him with all back wages and continuity of service etc.,"

7. The contentions raised by the management with respect to the claims of Panduraya Gowda are these :—

"Panduraya Gowda asked the Manager of the Maidan Hotel, where he was working, to relieve him and settled his accounts; the Manager asked him to approach the Administrative Office; he approached the Administrative Office and made the same request on 5th March 1964; he was asked to tender his resignation and receive his dues; then he left the office saying that he would do so; he did not, however, turn up thereafter with his letter of resignation nor did he report to duty; he remained absent; then the Manager called upon him to show cause why disciplinary action should not be taken against him; after waiting for some time, the management wrote a letter to him on 27th July 1964 informing him that if he failed to report for duty forthwith, the management would presume that he was not interested in the employment and take suitable action against him; thereafter he joined duty on 3rd August 1964, worked for some hours and thereafter remained absent; thereafter the management issued him a notice on 5th August 1964 asking him why action should not be taken against him for remaining absent from the afternoon of 3rd August 1964; he gave a reply to the management stating that as he was given the

work of a 'cleaner' though he was a 'supplier' he was not bound to carry out the illegal order; the management wrote back to him denying the averments made by him and informing him that he was only a 'cleaner' and had remained absent from the afternoon of 3rd August 1964; the management did not take any action against him; it has neither dismissed nor discharged him from service, nor terminated his services in any other way; hence the question of reinstatement does not arise at all; etc.

8. From these pleadings, it is evident that the first question that arises for decision in the case of Panduraya Gowda is, whether his services have been terminated by the management either b dismissal or discharge or in any other manner or he has himself remained absent from duty. The second question arising for decision is, whether he was serving as a 'supplier' or as a 'cleaner'.

9. The second party has maintained a service register of its empoloyees. The service register number of Panduraya Gowda is 1341. A true copy of the register pertainiug to Panduraya Gowda has been produced at Ex. M. 24, under the signatures of the representatives of both parties. It contains various particulars. We find from the entries appearing therein, that Panduraya Gowda joined the service of the second party on 20th February 1961 as a 'cleaner' and before that, he was working as a 'cleaner' in some Hotel at Kulshekar, a suburb of Mangalore.

10. It is admitted on both hands that the workmen in the several Hotels of the second party, struck work for a day on 23rd November 1963 and thereafter, were on 'Satyagraha' from 4th February 1964 to 19th February 1964. The Satyagraha consisted of the workmen picketing at the Hotel doors requesting the customers not go into them for eating and drinking. The case of the union is that on account of these two incidents, the management took a hostile attitude towards the workmen and particularly towards those, who were members of the First Party Union, holding it to be responsible for the strike as well as the Satyagraha. It is the case of the union that Panduraya Gowda has been victimised by the management.

11. The management has maintained Attendance Registers for their employees, a separate one, for each Hotel. As asked by the union, the management has produced the relevant Registers, pertaining to the Maidan Hotel (Ex. P. 17) and the Hampankatta Hotel (Ex. P. 18). Panduraya Gowda was working in the Maidan Hotel. In the month of February 1964, (*vide* Ex. P. 17 (a)) he

has been marked as being present for the first 3½ days, as being on strike or Satyagraha from the 4th to 19th, as being absent from 20th to 24th and as being present from 25th to 29th. These markings have not been challenged. It may be noted here only, that the satyagraha of the workmen came to an end; by settlement between the parties in the presence of the Deputy Commissioner, Mangalore, on 19th February 1964, as per the document at Ex. P.2. Workmen were given time for one week to resume duties after 19th February 1964. Then in March 1964, Panduraya Gowda has been marked present for the first 4½ days and absent on all the remaining days. On all the days in April, May June and July, he has been marked absent. In the months of January, February, March and April, the name of Panduraya Gowda appears at serial Nos. 67/92, 67/94, 61/93 and 58/89 respectively. In the remaining months of May, June and July his name appears last, at serial Nos. 82/82, 82/82 and 92/92. These entries are in a different ink and different handwriting from the rest of the entries, in those months. It is possible to argue and it has been so urged by the union that the markings in the name of Panduraya Gowda for the months of May, June and July are interpollations.

12. Now the case of the union is that Panduraya Gowda was refused work from the afternoon of 5th March 1964 on some flimsy ground, whereas the case of the management is that he remained absent from then. What that 'flimsy ground' was, has neither been disclosed in the claim statement nor stated in his deposition by Panduraya Gowda. According to Panduraya Gowda, the Manager of the Maidan Hotel, who refused him work, was Dayanand Prabhu and at his bidding, he went to the Administrative Office and met there, the General Manager, Pandurang Shenoy, who told him that he would look into the matter and asked him to go back to the Maidan Hotel and when he went back to the Hotel Dayanand Prabhu did not take him on duty. On the other hand, the case of the management is that on 5th March 1964, Panduraya Gowda asked the Manager of the Maidan Hotel to relieve him and settle his dues; that Manager directed him to the Administrative Office and that office asked him to tender his resignation if he wanted his accounts to be settled; then he went away saying that he would do so; thereafter he did not send his resignation nor turned up for duty.

13. Which of these two rival versions should be accepted, will be the question. So far as oral evidence goes, there is no

evidence to support the account given by Panduraya Gowda, beyond his own word. On the side of the Management, Dayananda Prabhu and Pandurang Shenoy have not been examined. The Assistant Manager of the Maidan Hotel, Gopal Nayak, has been examined (M. W. 1); but he has said nothing the incident of 5th March, nor has any question been put to him about it in his cross-examination. The Second witness Balkrishna Kamat (M. W. 2) who is a clerk in the Administrative Office, also, has said nothing about it.

14. Then Panduraya Gowda has stated that on the 6th March 1964, he again went to the Maidan Hotel for duty but Dayanand Prabhu did not allow him to resume and therefore, he went to the First Party Union, met Mr. Prabhakar Ghate and told him orally what had happened.

15. After this, some correspondence has passed between Panduraya Gowda, the Union, and the Management, and I now proceed to consider it, chronologically, as for as possible. It has started with the letter Ex. P. 3 (same as Ex. M. 20) dated 6th March 1964, written by the Union to the Management. The Secretary of the Union, Mr. Prabhakar Ghate, has said therein that he had learnt that Panduraya Gowda had been refused work since the afternoon of the previous day and requested the Management to look into the matter and take him back for " his previous work ", immediately. The management has given a reply to the Union, the same day, under Ex. P. 4 (same as Ex. M. 19). Therein the Management has informed the Union that on the previous day Panduraya Gowda had asked the Manager of the Maidan Hotel to relive him and settle his accounts; the Manager had directed him to the Administrative Office; there also, Panduraya Gowda made the same request; he was asked to tender his resignation if he wanted the settlement of accounts; that he left the office saying he would do so, but did not turn up thereafter, with a letter of resignation; he did not turn up for duty also and had remained absent from duty. The Management has also asked the Union to advise Panduraya Gowda "suitably". After this, the Union wrote the letter Ex. P. 5 (same as Ex. M. 18) to the Management on 8th March 1964. Therein, it has denied the averments made by the Management in Ex. P. 4, asserted that Panduraya Gowda had been refused work and concluded it with a request that " he may be allowed to do his duty which he has been doing prior to 5th March 1964". This is followed by the letter Ex. P. 6 (same as Ex. M. 17) written by the Union to the Management on 20th March 1964, wherein it has been said that Panduraya Gowda had

not yet been allowed to join duty inspite of several letters and concluded it with a request to take him back immediately, with all back wages. Then on 24th March 1964, the Management has written the letter Ex. M. 15 to the Union and issued the notice Ex. P. 7 (same as Ex. M. 16) to Panduraya Gowda, setting out the incident of 5th March (as happened according to it), informing him that his continued absence from the 5th amounts to misconduct and calling upon to show cause why disciplinary action should not be taken against him for the said misconduct. To this show-cause notice, Panduraya Gowda has given the reply Ex. P. 8 (same as Ex. M. 13) on 9th April 1964. Therein, he has denied the incident of 5th March as set out by the Management, reasserted his own account of the incident and concluded it stating :—

> "I am even now ready and willing to do the work which I have been doing before 5th March 1964, and I request you to let me know when I should join my previous post."

On receiving this reply, the Management has written the letter Ex. P. 10 (same as Ex. M. 11) to Panduraya Gowda, enclosing therewith the copy of the letter Ex. P. 10 (a) (same as Ex. M. 12). It has drawn the attention of Panduraya Gowda, to its letters dated 24th March and 6th March. Meanwhile, it appears that the Union had written to the Assistant Labour Commissioner, Mysore, who, in turn had written a letter to the Management on 15th July 1964. To this, the Management has sent the reply Ex. P. 11 (same as Ex. M. 8) dated 27th July 1964 to the Assistant Labour Commissioner, denying the claims of the Union, and asserting its own. On the same day *i.e.*, on 27th July 1964, the Management has written the letter Ex. P. 12 (same as Ex. M. 9) to Panduraya Gowda bringing it to his notice that he had remained absent and had not submitted any explanation to its letters of 24th March and 8th July, and concluded it as under :—

> "Take notice if you fail to join duty forthwith, it is deemed that you are not interested in the employment and suitable action as deemed fit and proper will be taken against you."

16. What happened, thereafter, can only be surmised. Panduraya Gowda has stated in his deposition that he went and joined duty at the Hampankatta Hotel under the same Management. The Attendance Register at Ex. P. 18 (page 30) shows that Panduraya Gowda worked in that Hotel for half-a-day on 3rd August 1964. Thereafter he has been marked absent. He

has also been marked absent during the months of September, October, November and December 1964. In his deposition Pandurayа Gowda has stated that in the Hampankatta Hotel he was asked by Ramachandra Shenoy, the Director of the Opponent Concern, to work as a "cleaner" instead of as a "supplier" and he told him (Ramachandra Shenoy) that he was working as a "Supplier" and not as a "Cleaner" and asked him to give him the work of a "Supplier" and Ramachandra Shenoy told him that he could not give the work of "Supplier" to him and asked him to go away.

17. This means that Pandurаya Gowda joined duty on 3rd August 1964 and worked for half-a-day. Either he has not gone for work thereafter or the Management has refused him work. After the incident, the Management has issued the Notice Ex.P.13 (same as Ex. M. 6) to Panduraya Gowda on 5th August 1964. It has said therein that Panduraya Gowda had wantonly remained absent from the afternoon of 3rd August and asked him to show cause within two days, why disciplinary action should not be taken against him for the said misconduct. The reply of Panduraya Gowda thereto is Ex. P. 14 (same as Ex. M. 4). It does not bear any date but appears to have reached the Management on 11th August 1964 (*vide* Ex. P. 15) Panduraya Gowda has said in this letter that when he joined duty on 3rd August, he was asked to work as a "Cleaner" instead of as a "Supplier", which work he was doing ever since joining the service, and was also asked to go away if he did not want to work as a "Cleaner". Then he has added that:—

> "Since your order is illegal, I am not bound to obey the same. You alone will be responsible for the consequences thereof"

The Management has replied the above letter by Ex. P. 16 (same as Ex. M. 2 and M. 3) dated 17th August 1964. Therein it has denied the contention of Panduraya Gowda that he was working as a "Supplier" and asserted that he was working only as a "Cleaner" and further denied all the allegations made in Ex. P. 14.

18. This is all the correspondence between the parties. Reading the whole correspondence and the oral evidence led before me, I feel that neither party has disclosed the true facts. It is very much evident that the real dispute between Panduraya Gowda and the Management is regarding the nature of work of the former. The Management

wants to urge that Panduraya Gowda was working only as a cleaner and wants to put him back on the same job. On the other hand, the Union wants to urge that Panduraya Gowda was working as a "Supplier" and wants him to be put on the same job. It also appears to me that this dispute started soon after the Satyagraha, when Panduraya Gowda joined duty on 25th February 1964. It is the case of Panduraya Gowda that that from 25th February 1964 to 4th March 1964 also, he worked as a "Supplier", whereas according to the Management, he worked in that period also, as a "Cleaner". This dispute appears to have precipitated on 5th March 1964. It is as much likely that Panduraya Gowda asked the Manager on that day to relieve him and settle his accounts, as it is, that the Management refused to allow him to work. The same thing must have happened on 3rd August 1964 also. In this connection, Panduraya Gowda has stated :—

> "As I was asked to serve as a cleaner in the Hampankatta Hotel, I did not do any work there on the day I joined (Para 10).
>
> I am not prepared to work, even now, as "Cleaner" in the Opponent Concern (Para 11)
>
> I want to be reinstated in the service of the Opponent concern as a "Supplier". If I am to be reinstated as a cleaner, I do not want service under the Opponent Concern (Para 16)"

19. It may be noted now that in the letter Ex. P. 3, the Union has demanded that Panduraya Gowda should be given "his previous work", without mentioning what it was. Then in the letter Ex. P. 5 also, the Union has asked the Management to allow Panduraya Gowda to do "his duty which he has been doing prior to 5th March 1964", hereagain, not mentioning what it was. In the letter Ex. P. 8, Panduraya Gowda has informed the Management that he was ready and willing to do the work he had been doing before 5th March 1964. He has not said what work he was doing before 5th March 1964. It is clear that in all these letters, emphasis has been given to the demand of that work which was being done before 5th March 1964.

20. From the deposition of Panduraya Gowda, we find that he wants reinstatement if the work be that of a "Supplier" and does not want it, if it be that of a "cleaner" On the other hand, the case of the Management is that even upto this day the service of Panduraya Gowda have not been terminated and hence question of reinstatement does not arise at all.

21. I am not sure, whether under the terms mentioned in the Order of Reference made by the Government, I can go into the question whether Panduraya Gowda was working as a "Supplier" or a "Cleaner" All that this Court has been asked to adjudicate upon is the question whether Panduraya Gowda is entitled to be reinstated. This Court has not been called upon to adjudicate on the question whether Panduraya Gowda is entitled to be reinstated as a "Supplier". Such a specific dispute has not been raised. Hence, even if the Union is to succeed, I cannot direct the Management to reinstate Sri. Panduraya Gowda as a "Supplier", as that question has not been specifically referred for adjudication.

22. Even then, I proceed to consider the question whether Panduraya Gowda was serving as a "Supplier" or as a "Cleaner". In the service register his work has been shown to be that of a "Cleaner" and below the entires he has signed (Ex. P. 24). Panduraya Gowda has admitted that his starting salary was Rs. 15 p.m; at the end of one year, he was given an increment of one rupee; and in the subsequent years he was given increments at Rs. 2 per year. So his pay as on 14th December 1963 would be Rs. 18. Mr. Karnad Shashidhar Rao stated during the course of the arguments that the starting salary of a "Supplier" is Rs. 21 and that of a cleaner is Rs. 17 and this is not denied by the Union. From the statement of Panduraya Gowda that he was started on Rs. 15 it is evident that he joined service as a "Cleaner" and not as a "Supplier". It is not the case of Panduraya Gowda that he had been promoted as "Supplier" at any time. His witness Shivappa Chandu (W. W. 2) has stated that he is working as a "Supplier" in the Opponet Concern and like him, Panduraya Gowda was also serving as a "Supplier". In his cross examination, he has stated that he joined as a "Cleaner" 4 years back, worked as such for 2 years and since the last two years' he has been working as a "Supplier". Then he has admitted that even now, he does the work of cleaning the plates, and cutting potatoes and Chillies, if asked. As regards Panduraya Gowda, he has stated that he has never seen him (Panduraya Gowda) doing any work, other than that of a "Supplier" and has never seen him work as a "Cleaner". I cannot understand, as to how and why one Supplier does cleaning work also, and the other, not. Gopal Nayak (M. W. 1) is the Assistant Manager of Maidan Hotel since the last 8-9 years. He has sworn that Panduraya Gowda was working under him only as a "Cleaner" and not as a "Supplier", though at times, he was asking him (Panduraya Gowda) to do the work of a "Supplier",

when any regular supplier was on leave. One significant question put to him in his cross-examination has elicited the following answer :—

> "It is not correct to say that Panduraya Gowda was being given exclusively " Supply work "of recent days."

This means that Panduraya Gowda was working as a "Cleaner" and was given "Supplier's" work only recently. But no evidence has been led to show that he was ever promoted to the post of a "Supplier". In face of this evidence, I am of opinion that the post held by Panduraya Gowda was only that of a cleaner and not that of a Supplier, though occassionally he may have been asked to work as "Supplier" in the absence on leave of any regular "Supplier".

23. No evidence has also been placed before me to show that Panduraya Gowda has been victimised. Many workmen of the Opponent Concern are members of the First Party Union ; many of them had joined the strike ; and many of them had taken part in the Satyagraha. I see no reason why the Management should pick up Panduraya Gowda for the special treatment of victimisation.

24. To conclude the discusion, the Order of Reference has not called upon this Court to determine whether Panduraya Gowda should be reinstated as a "Supplier" and so I cannot give direction, even if the Union succeeds. Assuming that this question is incidental to the points of dispute under Reference, I am of the view that Panduraya Gowda was holding only the post of a "Cleaner" and not that of a "Supplier". But Panduraya Gowda does not want reinstatement, if he is to work only as a "Cleaner". Above all, to this day the Management has not passed any order terminating his services, in any manner whatsoever. For all these reasons, therefore, this Reference, so far as it relates to Panduraya Gowda requires to be rejected and I do so.

25. Now, I proceed to consider the Reference relating to the workman K. Krishna. The averrments made in the claim statement with respect to him are these :—

> He was on leave during the second half of January 1963 and had gone to his native place. When he returned from leave to resume his duty, he found the workmen on Satyagraha. Being a member of the union, he too joined it. Subsequently, the Satyagraha was withdrawn and a settlement reached, on 19th February 1964, through the intervention of the Deputy Commissioner. Under the settlement, the Management was to take back to duty all the

workmen, except about 20 workmen. The Workmen were given time for seven days to join duty. Inpurusance of the settlement, he went to join dutys within the time allowed, but he was not allowed by the Management to do so. He was told by the General Manager that a show cause notice had been issued to him to his home address and he should send a reply to it. He did not receive any Notice. The Management did not take him on duty, though he approached it several times. When the Union wrote to the Management, the latter informed the former that he had been discharged from service by an order dated 24th February 1964. The Order of discharge is illegal and *mala fide* and is also in contravention of Section 33 of the Industrial Disputes Act as it was made during the pendency of conciliation proceedings. It is also against the express terms of the agreement dated 19th February 1964. Hence he is entitled to be reinstated with full back wages etc.,

26. The contentions raised by the Management are these :— The worker Krishna absented himself from duty, from 12th January 1964. The Management, after waiting for some time, sent a notice to him on 20th January 1964, to his last known address, by Registered Post, Acknowledgment Due, calling upon him to explain his absence and also to resume duty within five days and intimation him at the same timet hat if he failed to do so, his services would be terminated. The Registered Notice was returned to the Management, with an endorsement " not known ". Then on 24th February 1964, the Management sent another letter to him by Registered Post, Acknowledgment Due informing him that the previous notice had been returned to it unserved ; he had remained absent from 12th January 1964 ; he had not conveyed his intention to resume duty ; and hence it had terminated his services with effect from 24th February 1964. This letter was also returned to the Management, unserved. The Management intimated this fact to the Union. Since the termination of the services of the worker is a discharge, simpliciter, the provisions of Section 33 of the Act are not attarcted. The discharge of the worker is *bona fide*, just and proper. The worker Krishna was not on leave. There is no material to show that he had joined the Satyagraha. All these averments are an after thought. Hence he is not entitled to any reliefs etc.,

27. The extract from the Service Register at Ex. M. 23 shows that Krishna joined the service on 5th March 1963 as a cleaner and was discharged on 24th February 1964. His home address as recorded therein is, care of, " Chiradkunhi House near

Railway Station, Neeleshwar" In the Attendance Register, Ex. P. 18, he has been marked absent from 12th January 1964 to 31st January 1964 (*Vide* page 3, Serial No. 133). In February , he has been marked absent from 1st to 24th, both days inclusive. Then from 25th to 29th, he was first marked absent by putting the letter " a ". Then the" a "s appearing on these 5 days have been erased and it has been written in the remarks column " discharged on 24th February 1964". Even then, it is significant to note that on the 24th, he has been marked " absent " (*Vide* Ex. P. 18, Page 7, Serial No. 133).

28. Krishna (W. W. 3) has sworn that he went on leave in January 1964, with the permission of one of the Directors, by name Ramachandra Shenoy; he had taken leave for 8 days by giving an application; he overstayed his leave by 8 days, as his mother was ill; he did not write to the Management for extension of leave; when he returned after 15 days, he found the Satyagraha going on and joined it, without informing the Management that he had returned from leave to Mangalore; after the Satyagraha was over, he presented himself for duty, but Pandurang Shenoy refused to take him on duty and told him that a show cause notice had been issued to him and he should submit his reply thereto before joining duty; he had not received any notice; fifteen days later, he again approached Ramachandra Shenoy and told him that he had not received any notice and requested him to take him back on duty; then Pandurang Shenoy told him that he had been dismissed from service etc., This is what he has stated in his examination-in-chief. Then in the cross-examination he has stated that he proceeded on leave on the 5th February 1964 (*Vide* Para 13 of his deposiiton) If he proceeded on leave on 5th February 1964, it would mean that he returned to Mangalore from home after the Sayagraha was called off on 19th February 1964. It would belie the entire story given out by him in his examination-in-chief.

29. He has also approached the First Party Union to get his grievance redressed. He is a member of the Union. The first letter written by the Union to the Management about Krishna is Ex. P. 3 (same as Ex. M. 20) dated 6th March 1964. The Union has said therein :—

> "It has also been reported to us that Sri K. Krishna, worker No. 1530, also has not been allowed to resume his duty even though he reported at your office several times, last week."

The Union has said nothing in this letter about Krishna going on leave, overstaying the leave and joining the Satyagraha immediately on return. March 6, 1964 was a Friday. The "last week", mentioned in Ex. P. 3 may mean the week from February 27th to March 6, or the week from February 21st to February 28th. This would also mean that Krishna returned to Mangalore from leave (if it all he had taken it) after the Satyagraha was called off.

30. The Management has given a reply to Ex. P. 3. It is Ex. P. 4 (same as Ex. M. 19) dated the same day *i. e.*, 6th March 1964. The Management has informed the Union that Krishna was absent from duty from 12th January 1964; notice sent to him had been returned unserved; after waiting for a fairly long time, it had discharged him from service by an order, dated 24th February 1964 and had sent a copy of that order to him. It has also asked the Union to advice Krishna to call at the Office and receive his dues. In reply to Ex. P. 4, the Union has written the letter Ex. P. 5 (same as Ex. M. 18) dated 8th March 1964 to the Management. In this reply also, no mention has been made by the Union, that Krishna had gone on leave. It has not been denied that he was absent from duty from 12th January 1964. The Union has said that it was Surprised to learn that Krishna had been discharged from service on 24th February 1964, though he was presenting himself for duty at the Administrative Office, from 21st February 1964 to 25th February 1964, daily. Thereupon the Union has attacked the discharge order, as being violative of all principles of natural justice, illegal and invalid. Thereafter the Union has written the letter Ex. P. 6 (same as Ex. M. 17) to the Management on 20th March 1964. It has said therein:—

> "Worker No. 1530, Krishna, according to you is discharged on 24th February 1964. This is illegal as it amounts to contravention of Section 33 of the Industrial Disputes Act.Please, therefore, take him back with full wages, immediately."

31. This is all the correspondence regarding Krishna. Out of the two witnesses examined for the Management, Gopal Nayak (M.W. 1) has said nothing about Krishna. Bala Krishna Kamat (M.W. 2) has proved the Notices at Exts. M. 25 and M. 26 and the return of the Registered Covers at Exts. M. 21 and M. 22. Ex. M. 21 and M. 22 are directed to the address given by Krishna when preparing the Service Register and both of them have been returned with an endorsement made by the Postal Authorities as

"not known" Ex. M. 22 is stated to contain the original of Ex. M. 26. and Ex. M. 21 is stated to contain the original of Ex. M. 25. By Ex. M. 26, dated 20th January 1964, the Management has called upon Krishna to explain his absence from 12th January 1964 and join his duty within five days and informed him that if he failed to do so, he would be discharged from service. By Ex. M. 25, dated 24th February 1964 and the Management, after mentioning his absence from 12th January 1964 and the return of the Notice Ex. M, 22 to itself, has informed Krishna that he had been discharged from service with effect from the same day and asked him to attend the office and receive his dues.

32. Now from the evidence on record, I find that, the Union has not been able to prove that Krishna was on leave either from the middle of January 1964 or from 5th February 1964 or that he was participating in the Satyagraha from 4th February 1964 to 19th Febuary 1964. On the other hand, the Management has been able to prove that Krishna was absent from duty from 12th January 1964 and it had discharged him from service with effect from 24th February 1964, after the Notices addressed to his last known address, were returned unserved.

33. Now the question is whether this Order of discharge is legal and valid and deserves to be up-held.

34. The Union has challenged this Order of discharge on various grounds. The first is, that it is illegal because it is against the express terms of the settlement dated 19th Febuary 1964, arrived at between the Management and the workmen, through the Deputy Commissioner. The settlement has been produced at Ex. P. 2. But it is applicable, apparently, to the workmen who had taken part in the Satyagraha and against whom the Orders of suspension had been passed by the Management on or after 4th February 1964. Krishna had neither taken part in the Satyagraha nor had he been kept under suspension. Hence he cannot take advantage of the settlement at Ex. P. 2.

35. The second ground of attack is that it has been passed in contravention of Section 33 of the Industrial Disputes Act. From the document at Ex. P. 1, which is a notice issued by Assistant Labour Commissioner and Conciliation Officer, Mysore, on 17th February 1964, we find that the Management had given a notice under Section 9A of the Act on 6th February 1964, regarding the change of conditions of service of the workmen and the

First Party Union had intervened therein by their letter dated 14th February 1964. The Conciliation Officer has said in the notice that he would conduct the Conciliation Proceedings on 26th February 1964, at Mangalore. So it may be taken as established beyond doubt that the Conciliation Proceedings were pending from 17th February 1964 to 26th February 1964, at least. The Order of discharge has been passed on 24th February 1964, *i.e.*, during the pendency of the Conciliation Proceedings, wherein all the Workmen of the Establishment can be deemed to be "concerned", since the motion was for change of conditions of their service. It is in this context that Section 33 (2) (b) of the Industrial Disputes Act, comes into the picture. Thereunder (so far as is applicable to this case) during the pendency of any Conciliation Proceedings before the Conciliation Officer, the Employer may, for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, the workman concerned in the dispute, provided that no such workman shall be dismissed or discharged, unless he has been paid wages for one month and an application has been made by the Employer to the Authority before which the proceeding is pending, for approval of the action taken by the Employer. Admittedly these formalities have not been followed in the present case by the Management. Mr. K. Shashidhar Rao contends that the provisions of Section 33 (2) (b) of the Act and the proviso thereto would be attracted only when the concerned workman has been discharged for any misconduct and since Krishna has not been discharged for any misconduct, the act of the Management does not fall within the mischief of these provisions. But the Order of discharge shows that Krishna has been discharged because "he had ramained absent and because he had not expressed any intention of resuming the duty. The Management has treated "absence" as "misconduct" in the case of Panduraya Gowda in the letter Ex. P. 7. It has said in that letter:—

> "Your continued absence without leave, amounts to misconduct. Show cause...why disciplinary action should not be taken against you for the said misconduct."

In the letter Ex. P. 13 also, the Management has treated Panduraya Gowda's absence as misconduct. The Management has not got any certified Standing Orders. In their absence, it can be deemed that the Management has been treating absence without leave as misconduct. If Panduraya Gowda's absence without leave amounts to "misconduct", I cannot understand why the same should not hold good in the case of Krishna also. Krishna has been discharged for his continuous absence without leave, which is

"misconduct" as stated by the Management in Ex. P. 7 and Ex.P. 13. The Management, cannot, therefore, contend now that the termination of Krishna's service is only a discharge simpliciter and not a discharge for misconduct. Hence I hold that Krishna has been discharged for misconduct without following the provisions of Section 33 (2) (b) of the Act. The discharge order is, therefore, illegal. It can either be treated as non-existing or one that requires to be set aside, if not ignored. Krishna cannot file a complaint under Section 33A of the Act. This Court has been called upon to decide whether Krishna is entitled to reinstatement. This gives the Court jurisdiction to examine the Order of discharge and decide whether it is legal or illegal and set it aside if found illegal or ignore it. I prefer to set aside the Order of discharge in this case, in view of the wording of the points of dispute formulated in the order of reference. The Second ground of attack on the Order of discharge, therefore, requires to be up-held and I do so.

36. The third ground of attack on the Order of discharge is that it has been passed without giving any opportunity to Krishna to defend himself. The Management, it cannot be denied, has made earnest attempts to give an opportunity to Krishna, by issuing a registered notice. But the Notice has been returned unserved. So, the fact remains that Krishna has had no opportunity to defend himself. No evidence has been let by the Management to show that Krishna deliberately avoided receiving the Notice. The Management has said in the counter statement that if the notice sent to Krishna on the address supplied by himself did not reach him, he cannot "blame anybody except himself". It is contended on behalf of the Union that when the Management found that the notice had been returned unserved, it should have followed the course suggested in the decision reported in 1961 (I) LLJ 303 (Bata Shoe Co., (P) Ltd., *Vs* Ganguly) by publishing the notice in some news-paper with a wide circulation, in the regional language. Since this Course has not been followed by the Management, the Union asks me to apply the principles ennunciated in 1959 (II) LLJ 619 (Rogal Printing Works Vs. Industrial Tribunal) wherein it has been held that where it was found that the employee was not aware of the enquiry proceeding and there was no evidence to show that he had deliberately evaded the service of notice, the order of dismissal deserved to be set aside. On the other hand it is contended by the Management that the principles laid down in 1959 (I) LLJ 285 (McKenzie & Co., *Vs.* Its Workmen) and 1953 (I) LLJ 591 (Mazagaon Dock Ltd., *Vs* Rodrigues) and A.I.R.

1962 Patna 452 (Dr. Paramananda *Vs.* D.L.B. Patna) govern the case. In McKenzie's case, after the Registered notice was returned unserved and after the Union did not supply the address of the delinquent, the Management affixed the Notice on the Notice Board. Even then the delinquent did not appar, In the circumstances, the notice affixed on the Board, was held sufficient. In the instant case, there is no evidence led by the Management to show that it had affixed a Notice on the Board or consulted the Union to obtain the address of Krishna. Hence the decision in McKenzie's case has no application to the present case. In Mazagaon Dock case an employee absented himself from work without permission from September 29 to November 15, 1952. He did not re-appear for work in spite of several letters sent to him. In these circumstances, it was held that his discharge by the Employer was justifiable. Such are not the circumstances in the case on hand. The Patna decision has no direct bearing on the issues involved in this case. There cannot be any doubt about the fact that Krishna was not aware of the Notice nor its contents and the Order of termination is not a discharge simpliciter but is one for misconduct. On this ground also the Order of discharge dated 24th February 1964 requires to be set aside.

37. It follows, therefore, that Krishna requires to be reinstated. But the question will be whether back wages should be given to him, and if so, at what rate. It is proved beyond doubt that he remained absent without leave from 12th January 1964. He is asking for natural justice. But as pointed out in the Patna decision:—

> "Natural justice is not a one sided bargain. The party who invokes it must also be prepared to play his part fairly and squarely. He cannot be on the sly and claim advantage of natural justice from the other party."

Then dealing with the continued absence of an employee it has been observed in the Mazgaon Dock Case:—

> "We must look at this matter from the point of general discipline. Without any reason an employee suddenly leaves his work and does not re-appear until after six weeks in spite of several letters having been sent to him to the Address which he had given. The work of the Concern becomes disrupted and if other arrangements are to be made there will be a fresh disturbance in the office, when such an employee turns up at his sweet

will to resume his work. It would be impossible for concern to carry on their business if this was permitted."

These principles require to be borne in mind when dealing with Krishna. Krishna has remained absent from 12th January 1964 and re-appeared only in the last week of February. This cannot but be considered as an act of indiscipline. The Management has also acted with unreasonable haste in passing the order of discharge. For the period during which Krishna was absent, he is not entitled to any wages. For the period thereafter, I think that a consolidated sum of Rs. 150 as back wages should meet the ends of justice. I cannot grant continuity of service to Krishna because there has been a break of service due to his wanton absence from duty for nearly six weeks.

38. Considering therefore, all these facts and circumstances and the findings recorded by me, I proceed to make the following Award.

AWARD.

1. The Reference is rejected with respect to workmen B. Panduraya Gowda and the demands made by him and the First Party on his behalf are rejected.

2. The Reference is partly accepted with respect to workman Krishna. The Management is hereby directed to reinstate him in his former post and pay him a consolidated sum of Rs. 150 as back wages up to the date of the publication of this Award in the Mysore Government Gazette. This reinstatement, however, would be without continuity of service, but on the emoluments that he was getting on 12th January 1964 and increments, if any, from the date of the publication of the Award. This Award should be implemented by the Management within 15 days of the Publication of the Award.

3. Parties do bear their own costs.

Camp : Bangalore.

P. T. KADKOL,
Presiding Officer,
Labour Court, Hubli.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Hubli.

APPENDIX

List of witnesses examined in this case on behalf of

I Party :

W. W. 1 Sri Panduraya Gowda.
2 Sri Shivappa.
3 Sri Krishna.

II Party :

M. W. 1 Sri Gopal Nayak.
2 Sri P. Balakrishna Kamat.

List of documents admitted in this case on behalf of

I Party :

Ex. P. 1 Notice of Conciliation.
2 Memorandum of Settlement D. 19th February 1964.
3 Copy of Letter from I to II Party.
4 Letter from II to I Party.
5 Copy of letter from I to II Party.
6 Do
7 Letter from II to I Party.
8 Copy of letter from W.W. 1 to II Party.
9 Acknowledgment.
10 Letter from II party to W.W. 1.
11 Copy of letter from II Party to A.C.L.
12 Letter from II Party to W.W. 1.
13 Do
14 Copy of letter from W.W. 1 to II Party.
15 Postal Acknowledgment.
16 Letter from II Party to W.W. 1.
17 Attendance Register.
18 Do

II Party :

Ex. M. 1 Postal Acknowledgment.
2 Copy of letter to W.W. 1.
3 Letter from II Party.
4 Letter from W.W. 1 to II Party.
5 Postal Acknowledgment.
6 Letter from II Party to W.W. 1.
7 Postal Acknowledgment.
8 Letter to A.C.L.
9 Letter to W.W. 1 by II Party.
10 Postal Acknowledgment.
11 Letter to W.W. 1 to from II Party.
12 Do
13 Letter from W.W. 1 to II Party.
14 Postal Acknowledgment.
15 Letter to I Party Union.
16 Letter to W.W. 1 from II Party.
17 Letter from I Party to II Party.
18 Do
19 Letter from II to 1 Party
20 Letter from I to II Party.
21 Postal cover by Regd. Post A.M.
22 Postal Cover by Regd. Post A D.
23 Service Register Extract of W.W. 3.
24 Do of W.W. 1.

P. T. KADKOL,
Presiding Officer,
Labour Court, Hubli.

ORDER.

Bangalore, dated the 2nd July 1965.

S.O. 2780.—WHEREAS by State Government Order No. PLM 522 LLD 64, dated 30th December 1964, the Industrial Dispute between the Workmen and the Management of the New Taj Mahal Cafe (Private) Ltd., Mangalore, was referred to the Labour Court, Hubli for adjudication ;

AND, WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette.*

[No. PLM 522 LLD 64.]

By Order and in the name of the Governor of Mysore,

 G. G. PUROHIT, *Under Secy.*

Revenue Secretariat

ORDER.

Bangalore, dated the 3rd July 1965.

S. O. 2781.—Whereas the Scheme of consolidation of Holdings in Anachi village, Indi taluk, Bijapur District, has come into force;

And whereas it appears to the State Government from the objection application of Sri S. M. Konde, C. S. Konde, B. C. Pujari and R. S. Kalasargi of Anchi Village and the records received from the Commissioner for Survey Settlement and Land Records in Mysore, Bangalore that, the scheme of consolidation of holdings in respect of Khatha Nos. 26, 56, 57, 28 and 40 of Anchi Village, Indi Taluk, Bijapur District is defective;

And whereas it is proposed to vary the said scheme in so far as it relates to the said Khata numbers;

Now, therefore, in exercise of the powers conferred by section 33 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act, LXII of 1947) as in force in the Bombay Area, the Government of Mysore hereby published the following draft of variation proposed to be made in the said scheme.

Any person affected by the proposed variation may, within one month from the date of publication of this draft variation, communicate in writing any objection to such variation, to the Secretary to Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore-1, through the Commissioner for Survey, Settlement and Land Records in Mysore, Bangalore.

2019

Draft Variations in the Scheme.

Village : Anchi Taluk : Indi. District : Bijapur.

As per Record of Rights										As per Proposed Variation under Section 33							
K. No	S. No.	H. No.	Total Area A. G.	Asst. Rs.A.P.	Valuation	B. No	Remarks.	K. No.	S. No.	H. No	Total Area A. G.	Asst. Rs.As.Ps.	Valuation	B. No.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
26	33	—	18 19	10 0 0			On consent	26	33	Part towards West.	9 85	6 1 0		61	On Consent no valuation is made. Cash compensation of Rs. 1000 (One Thousand only) is to be paid after recovering the same from K. Nos 56+57 as per their agreement Statement.
	35	2	9 85	7 12 0			On consent		34	1	3 36	3 9 0			
									34	2 Part towards West.	5 80	3 5 0			
Total of Khata			28 14	17 12 0	—	—	—			Total of Khata.	19 21	12 15 0			61
56+57	34	1	3 36	3 9 0	—	—	On 56+57 Consent.		33	Part towards East.	8 24	3 15 0		62	On consent no valuation is made. Cash compensation of Rs. 1000 (One thousand only) is to be recovered and paid to Khata No. 26 as per agreement statement.
	34	2	12 31	7 7 0	—	—	On 56+57 Consent		34	2 Part towards East.	7 1	4 2 0			
									35	2	9 85	7 12 0			
Total			16 27	11 8 0						Total	25 20	15 13 0		62	

2020

28	52		2	30	3	0	0	To Khatha No. 40		—	28		Katha Closed						On consent basis.
4—																			
0	41	—	22	37	20	0	0		40	41		—	22	37	20	0	0	Re-tained.	56
	53	—	2	38	3	0	0												
	66	—	3	7	3	0	0			52	—	—	22	30	3	0	0		On consent basis
										53	—	—	2	38	3	0	0		
										66	—	—	3	7	3	0	0		
										Total of Block			31	37	9	0	0		
Total of Block			29	2	26	0	0			Total of Katha			81	32	29	0	0		

[No. RD 68 TCO 64].

By Order and in the name of the Governor of Mysore.

M. K. MADAPPA, *Under Secy.*

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21 02

ORDER.

Dated Bangalore, 6th July 1965.

S. O. 2782.—WHEREAS the draft variation of the Scheme of consolidation of holdings of Mantur village, Hubli taluk, Dharwar District, proposed to be made by the Government of Mysore was published in order No. RD 35 TCO 63, dated the 15th January 1965, as required by sub-section (1) of Section 32 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act LXII of 1947).

AND WHEREAS no objections have been received by the State Government in respect of the said draft variation.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (3) of Section 32 of the said Act, the Government of Mysore makes variations in the said scheme as published in the Order dated the 15th January 1965 and as required by sub-section (3A) of Section 32 of the said Act, it is hereby notified that the scheme of consolidation of Holdings of Mantur village, Hubli taluk, Dharwar District, has been varied as indicated hereunder.

K. No.	S. No.	H. No.	Area	Assessment.	Valuation	K. No.	S. No.	H. No.	Area	Assessment	Valuation	B. No.	Area.
			A. G.	Rs. A. Ps.					A. G.	Rs. A. Ps.			A.G.
54	113	2	3-12	5-11-0		54	113	2	4-0	7-11-0		232	4-0
	185	2	8-18	14-15-0			185	2	8-18	14-15-0		335	8-18
	Total:		11-30	20-10-0					12-18	22-10-0			
84	113	1	4-35	8-5-0		84	113	1	4-7	6-5-0		231	4-7

[No. RD 121 TCO 65].

By Order and in the name of the Governor of Mysore,

M. K. MADAPPA, *Under Secy.*

ORDER.

Bangalore, dated 7th July 1965.

S. O. 2783.—WHEREAS the draft variation of the scheme of consolidation of holdings of Kupagaddi village, Bagewadi taluk, Bijapur District, proposed to be made by the Government of Mysore was published in Order No. RD 168 TCO 63, dated the 29th January 1965, as required by sub-section (1) of Section 32 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act LXII of 1947);

AND WHEREAS no objections have been received by the State Government in respect of the said draft variation;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (3) of Section 32 of the said Act, the Government of Mysore makes variations in the said scheme as published in the Order dated the 29th January 1965 and as required by sub-section (3A) of Section 32

of the said Act, it is hereby notified that the scheme of consolidation of Holdings of Kupagaddi Village, Bagewadi Taluk, Bijapur District, has been varied as indicated hereunder :—

EXISTING						VARIATION MADE					
K. No.	S. No.	H. No.	Area A. G. As.	Assessment. Rs. As. Ps.	B. No.	K. No	S. No.	H. No.	Area. A. G. As.	Assessment. Rs. As. Ps.	B.
197	79	1/B Part	6—29—0	4—12—0	96	197	79	1/B Part	6—29—0	4—14—0	96
207	79	2/B	6—39—0	2—2—0	95	207	79	2/B	6—39—0	2—2—0	95
	79	2/A	6—29—0	4—7—0			79	2/A	6—29—0	4—2—0	
	79	1/B Part	1—35—0	1—9—0			79	1/B Part	1—24—0	1—3—0	
Total of Block and Khata			15—23—0	7—15—0		Total of Khata			15—12—0	7—12—0	
208	79	1/A	7—1—0	5—4—0		208	79	1/A	7—10—0	5—5—0	
	79	1/C	0—2—0	0—1—0			79	1/C	0—2—0	0—1—0	
	Total of Khata		7—3—0	6—5—0			Total of Khata		7—12—0	5—6—0	97

[No. RD 126 TCO 65].

By Order and in the name of the Governor of Mysore.

M. K. MADAPPA, *Under Secy.*

NOTIFICATION

Bangalore, dated 9th July 1965.

S. O.2784.—WHEREAS it appears to the Government of Mysore that a part of the public road described in the schedule hereto annexed which the property of the State Government is not required for the use of the public.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 68 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore is hereby declares that the said road is not required for the use of the public and therefore it is proposed that the rights of the public as well as of all persons in or over the said part of the public road shall be extinguished.

ANY member of the public or any person having any interest or right, in addition to the right of the public highway in or over the said part of the said road or having any other interest or right which is likely to be adversely affected by the said proposal may within ninty days from the date of publication of this Notification in the *Mysore Gazette*, state in writing to the Deputy Commissioner of Bijapur District, his objections, to the said proposal, the nature of his interest or right, and the manner in which it is likely to be adversely affected and the amount and particulars of his claims to compensation of such interest or right.

SCHEDULE

District, Taluk & village in which the parts of the said road are situated	Description of the part of the road.	Approximate area of the part of the road	Boundaries
1	2	3	4
Teeginahalli, Indi Taluk, Bijapur District.	Public Road from Teggihalli to Nad.	A-g 0-30	North . S. Nos. 79/1 & 79/2. South 61/1 and Road area. East : S. No. 80. West : Portion of S.No. 61/1 and S. No. 62.

[No. RD 38 LBM 65].

By Order and in the name of the Governor of Mysore,

505 N. H. SIDDIQUI, *Under Secy.*

ORDER.

Bangalore, dated the 3rd/6th July 1965.

S.O. 2785.—WHEREAS the draft variation of the Scheme of consolidation of holdings of Arijanal Village, Indi Taluk, Bijapur District, proposed to be made by the Government of Mysore was published in Order No. 203 TCO 64, dated the 11th January, 1965, as required by Section 33 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act LXII of 1947);

AND WHEREAS no objections have been received by the State Government in respect of the said draft variation;

NOW THEREFORE, in exercise of the powers conferred by sub-section (3) of Section 32 of the said Act, the Government of Mysore makes variations in the said scheme as published in the order dated the 11th January, 1965 and as required by Section 33 of the said Act, it is hereby notified that the scheme of Consolidation of Holdings of Arijanal Village, Indi Taluk, Bijapur District, has been varied as indicated hereunder.

1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
115	210	3	3-33	1-3-0	115	210	3	3-30	1-3-0	115	210	2	4-01	1-5-0
	215	2	10-12	3-5-0		210	2	4-01	1-5-0		210	3	3-33	1-3-0
						Total		7-34	2-8-0	230	Total		7-34	2-8-0 23
	221	2	6-27	4-1-0		215	2P	8-11	2-11-0	238	215	2 Part	5-02	1-10-0 23
Total			20-32	8-9-0		221	2	6-27	4-1-0	263	221	2	6-27	4-1-0 26
						Grand Total 22-32			9-4-0	Grand Total			19-23	8-3-0

[No. RD 125 TCO 65.]

By Order and in the name of the Governor of Mysore,

M. K. MADAPPA, *Under Secretary.*

DRAFT VARIATION OF THE SCHEME

Existing — *Variation made*

As per pre-consolidation					As per confirmed Scheme					As per proposed Scheme				
K. S. H. No.	No.	No.	Total Area A. G.	Assessment Rs. As. Ps.	K. S. H. No.	No.	No.	Total Area A. G.	Assessment Rs. As. Ps.	K. S. H. No,	No.	No.	Total Area A. G.	Assessment Rs. As. Ps.
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
111	210	2	4-01	1- 5-0	111	21	1	11-10	3-11-0	111	215	1	11-10	3-11-0
	215	1	11-10	3-11-0			2P.	2-01	0-10-0		215	2Part	5-10	1-11-0
	221	1	8-23	4-15-0										
						Total		13-11	4- 5-0	237				
						221	1	8-23	4-15-0	262				
	Total		23-34	9-15-0	Grand Total			21-34	9-4-0		Total		16-20	5-27-0
											221	1	8-23	4-15-0
														26
									Grand Total				25-03	10-5-0

2C-(II)

029

FINANCE DEPARTMENT

Bangalore, dated the 28th June 1965

FORM II.

LICENCE No. 2/65–66.

(*See* Rule 5).

Licence for Horse–Racing on a Race–Course.

Name of licensee	... ...	Honorary Secretary, Mysore Race Club
Situation of the race-course	... ...	Race Course Road, Mysore.
Period for which the licence is to be in force	...	1965–66 (up to the end of March 1966).

CONDITIONS OF LICENCE.

S. O. 2786.—The licence is granted subject to the provisions of the Mysore Race Courses Licensing Act, 1952 and the rules made thereunder. It is also subject to the following conditions.—

1 The licensee shall keep and maintain correct accounts of the receipts and payments, the number of persons employed by the licensee, and shall allow any officer authorised by the Government in that behalf to examine at any time any accounts, books and records maintained by it and shall furnish the Government such information and returns as it may require. The licensee shall also furnish such returns as are required by the Betting Tax Act, 1932, and the rules made thereunder.

2 The licensee shall include as Stewards and if the licensee is a company or other body of individuals also as members of the Managing Committee, such number of persons as the Government may nominate from time to time.

3 The licensee shall always maintain in proper working condition the race course, the buildings and other structures thereon.

4 The licensee is authorised to grant permits to book-makers not exceeding 20 (Twenty) subject to the following conditions :—

(*a*) Each book-maker shall give a cash security of not less than Rs. 2,000 to the licensee for proper accounting and payment of betting tax.

(*b*) No persons adjudged an insolvent shall be granted a permit.

(*c*) The book-maker shall keep and maintain correct accounts of his receipts and payments and shall furnish to the licensee daily statements of the bets received, the amounts paid and the amount payable as betting tax.

5 Licensee shall furnish to Government, and to the District Magistrate concerned annually in April of every year the programme of races proposed to be run, from 1st April to 31st March, stake money for various races, particulars of stakes reserved for Indian breed and other horses, names and nationality of jockeys taking part in the races, names of book-makers licensed by them for various race meetings and their nationality, entrance fee proposed to be collected from race goers, for entering horses for racing and permit fee proposed to be recovered from the book-makers.

6. The licensee shall in April of every year submit to the District Magistrate concerned and to Government a certified balance sheet showing the receipts and expenditure and profit and assets and liabilities and shall also report as to how the profit if any made will be utilised.

7. The licensee shall frame rules with the previous approval of Government for regulating admission of the public to race course, entry of horses for races, qualifications for jockeys, qualifications for book-makers, security to be furnished by book-makers, permit fees to be paid by jockeys and book-makers and such other ancillary

matters relavant to the racing and shall also conform to such directions as may be given by Government from time to time in the matter of horce racing. A copy of the rules framed under this rule will be enclosed with application for licence.

8. The licensee shall take necessary police help for the regulation of traffic and for maintenance of public order during the running of the races. The licensee shall further make at the race course sanitary arrangements to the satisfaction of the local Health authorities.

9. The licensee shall not admit to the stands more number of spectators than what the Executive Engineer of the Mysore Public Works Department having jurisdiction certifies as safe for the structure to carry. The Executive Engineer will issue a certificate annually free of charge regarding the condition of the structure of the stands where the public will be admitted fixing the maximum number of persons who can be admitted to such stands for the purposes of seeing races. A certified copy of the certificate shall be attached by the licensee to his application for the grant or renewal of the licence.

10. The licensee shall in the month of April during the currency of the licence furnish to Government and to District Magistrate, a report showing the particulars of races run, number of horses which participated in each race, races reserved for Indian bred horses, stakes for each race, names and nationality of the jockeys and book-makers taking part-total collections on account of entrance fee, total collections at the totalisators, betting tax realised and such other matters about which information may be called for.

[No. ED 19 CRC 64.]

N. J. GOREPEERZADE, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 25th June 1965.

S. O. 2787.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 10 of the Mysore Entertainments Tax Act, 1958 (Mysore Act 30 of 1958), and in supersession of Notification No. FD 43 CEX 59, dated 3rd January, 1963, the Government of Mysore hereby authorises the officers specified in column (2) of the Table below to exercise the power conferred by the said clause within the areas noted in column (3) thereof.

Sl. No.	Officers	Areas.
1	2	3
1	Commissioner of Commercial Taxes in Mysore, Bangalore.	Whole of the State of Mysore.
2	Deputy Commissioner of Commercial Taxes (Enforcement), Bangalore.	
3	Assistant Commissioner of Commercial Taxes (Intelligence), Bangalore.	
4	Deputy Commissioners of Commercial Taxes.	Within their respective jurisdiction.
5	Assistant Commissioners of Commercial Taxes other than the Assistant Commissioner of Commercial Taxes (Intelligence), Bangalore.	
6	Commercial Tax Officers, including Commercial Tax Officers (Intelligence), and Entertainment Tax Officers.	
7	Inspectors of Commercial Taxes.	
8	Officers of the Police Department not below the rank of Sub-Inspectors.	
9	Officers of the Police Department not below the rank of Sub-Inspectors working in the Department of Efficiency Audit and Anti-Corruption measures.	

1	2	3
10	Assistant Commissioners in charge of Revenue Sub-Divisions.	within their jurisdiction except in places of the Headquarters of the Commercial Tax Officer or the Assistant Commercial Tax Officer as the case may be.
11	Tahsildars in charge of Taluks.	
12	Sub-Treasury Officers.	within the Headquarters of Taluks, if the headquarters of the Commercial Tax Officer or the Assistant Commercial Tax Officer, as the case may be, is not at such a place.

[No. FD 20 CEX 65.]

By Order and in the name of the Governor of Mysore.

497 N. J. GOREPEERZADE, *Under Secy.*

Law Secretariat.

NOTIFICATION.

Bangalore, dated the 7th July 1965.

S. O. 2788.—In exercise of the powers conferred by sub-section (1) of Section 492 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), the Government of Mysore hereby appoints Shri V. K. Balasundaram, as Public Prosecutor, Tumkur District, for a further period of two years, with effect from the 25th July 1965.

[No. LAW 57 LAG 65.]

By Order and in the name of the Governor of Mysore,

Y. Raviraj, *Under Secy.*

Commerce and Industries Secretariat.

NOTIFICATION.

Bangalore, dated 9th July 1965.

S.O. 2789.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Manganese ore to Shri H. R. Shivakumarsingh of Bangalore in the following areas on the terms and conditions mentioned below :—

Village	*S. Nos.*	*Area*
Konada	F. S. No. 9	200 Acres
Badgund	F. S. No. 7	(80.94 Hectares)
Kondpe	F. S. No. 13	

(As delineated in the plan furnished by the Director M & G).

Terms and Conditions.

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this icence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates

prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time;

4. The licensee shall make available to the Government of India, beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified Geologist or a Mining Engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage.

[No. CI 107 EPI 65.]

By Order and in the name of the Governor of Mysore,

515 C. KRISHNAMURTHY ROW SAHIB, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 5th July 1965.

S. O. 2790.—In Government Notification No. CI 224 MPO 64, dated 3rd July, 1965 sanctioning a Prospecting Licence in favour of M/s. K. L. Poddar & Sons (P) Ltd., over an area of 490 acres in Shankaranahalli and other villages of Holalkere and Hosdurga Taluks, Chitradurga District the survey numbers mentioned against the village Lingadevarahalli shall be added by two more part survey numbers *viz.*, 10 and 11.

[No. CI 224 MPO 64].

By Order and in the name of the Governor of Mysore,

502 MEHDI ALI, *Deputy Secretary.*

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 7—13th July 1965

S.O.2791.—In exercise of the powers conferred by sub-section (1) of section 197 of the Mysore Village Panchayats and Local Boards Act, 1959, (Mysore Act 10 of 1959) read with rule 3 of the Mysore Village Panchayats and Local Boards (Delegation of Powers of Government) Rules, 1960, the Government of Mysore hereby delegates to the Commissioner, the powers conferred on the Government under section 24 of the said Act.

[No. DPC 9 VEL 65].

By Order and in the name of the Governor of Mysore,

508 S. RAMANATHAN, *Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 7th July 1965.

S. O. 2792.—WHEREAS persons possessing the qualifications, and within the age limit prescribed in the Mysore Public Health Service (Recruitment) Rules, 1960, for appointment by direct recruitment to the posts of Health Officers, Class II (Junior)-*cum*-Assistant Surgeons, Grade II. and Health Officers, Class III-*cum*-Assistant Medical Officers of Health-*cum*-Assistant Surgeons, Grade III, are not available;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of rule 16 of the Mysore State Civil Services (General Recruitment) Rules, 1957, and after consultation with the Mysore Public Service Commission, the Government of Mysore, hereby relaxes by two years the upper age limit prescribed in the Mysore Public Health Service Recruitment Rules, 1960, for appointment by direct recruitment to the posts of—

(i) Health Officers, Class II (Junior)-*cum*-Assistant Surgeons, Grade II, and

(ii) Health Officers, Class III-*cum*-Assistant Medical Officers of Health-*cum*-Assistant Surgeons, Grade III,

such relaxation being in force for a period of one year from the date of publication of this notification in the *Mysore Gazette*.

[No. PLM 327 PET 64].

By Order and in the name of the Governor of Mysore,

507 N. S. RAMACHANDRA, *Secretary*.

NOTIFICATION

Bangalore, dated the 7th July 1965.

S. O.2793.—In exercise of the powers conferred by clause (b) of sub-section (4) of Section 1 of the Mysore Shops and Commercial Establishments Act, 2961 (Mysore Act No. 8 of 1962), the Government of Mysore hereby specify the first day of November, 1965 as the date from which the provisions of the said Act shall apply to the area comprised within the limits of—

1 Channarayapatna

2 Arakalgud and

3 Holenarsipur of Hassan District (Area within the Municipal limits of the above 3 towns).

[No. PLM 37 LSC 64].

By Order and in the name of the Governor of Mysore,

503 G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated 13th July, 1965.

S. O. 2794.—WHEREAS by State Government Order No. PLM 168 LLD 64, dated 6th October 1964, the Industrial Dispute between the Workmen and the Management of Bagalkot Cement Co. Ltd., Bagalkot, was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS before the said Industrial Tribunal, a complaint was made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shri Sabanna Peerappa alleging that he was terminated from Service.

AND WHEREAS the said Industrial Tribunal adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33A of the said Act:

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. PLM 168 LLD 64(ii)].

By Order and in the name of the Governor of Mysore,

510 G. G. PUROHIT, *Under Secy.*

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 30th June 1965.

Present:

Sri R. Krishna Setty, B.A ,LL B., ... Presiding Officer.

Serial No. 43 of 1964
in I. D. No. 38 of 1964

Applicant :

The Management of
Bagalkot Cement Co. Ltd.,
Bagalkot, Bijapur District.

Vs

Opposite Party:

Sri Sabanna Peerappa,
C/o Secretary,
Bagalkot Cement Co.
Workers' Union,
Bagalkot, Bijapur District.

Complaint No. 25 of 1964
in I. D. No. 38 of 1964.

Complainant:

Sabanna Peerappa,
Token No. 256, Packing
House, C/o Bagalkot Cement
Co. Workers' Union,
Bagalkot, Bijapur District.

Opposite Party :

Management of
Bagalkot Cement Co,
Ltd., Bagalkot,
Bijapur District.

Representations.

Sri D. M. Khalasi and Sri M. C. Narasimhan for the Workman,
Sri B. Narayanaswamy, Advocate, for the Company.

(Government Reference No. PLM 168 LLD 64,
dated 6th October 1964.)

AWARD

An industrial dispnte between the workmen and the management of Bagalkot Cement Co., Ltd., Bagalkot, was pending in I. D. No. 38/64 on the file of this tribunal, relating to the payment of bonus or additional bonus for the years 1960 and 1961 etc.,

2. During the pendency of the said dispute the management of the II Party Company filed an application under Section 33(2) of the Industrial Disputes Act, 1947, alleging that Sri Sabanna Peerappa, Token No. 256, Oilman, was found loitering within the premises of the Works beyond a reasonable time after his duty hours in unauthorised places and engaged himself in unauthorised activities, that he assaulted another worker Sri Honnappa, causing him bodely injuries and indulged in fighting with three workers and threatened and intimidated the employees of the plant, that he further used abusive language, that in a domestic enquiry he was found guilty of misconduct and therefore he was dismissed from service, that the misconduct was unconnected with the dispute under Reference, that the workman had been paid one month's wages and this tribunal should therefore accord approval of the action taken by it. The Opposite Party Sri Sabanna Peerappa emphatically repudiated the charges levelled against him and contended that the domestic enquiry offended the principles of natural justice and the management was actuated by improper motives in terminating his services and the approval sought for should not therefore be accorded.

3. When the matter came up for evidence at Bagalkot Camp on 27th June 1965, both parties filed a joint Memo to the effect that the employee Sri Sabanna Peerappa expressed in writing his regret for his misconduct and undertook not to indulge in that way and that the management therefore agreed to take him back on work with continuity of service in his original post within seven days from 27th June 1965 if he reports himself for work within that time and in the event of his failure to do so he shall not be engaged therefor. They therefore prayed to dispose of this Serial Application and the connected Complaint No. 25 of 1964 according to law. Now that the parties have amicably settled the dispute between themselves in the manner specified in their joint memorandum dated 27th June 1965, this Serial Application stands rejected.

4. In Complaint No. 25 of 1964 the Said Sabanna Peerappa had questioned the legality of the order of dismissal passed by the Opposite Party on more grounds than one and prayed for his reinstatement in his former post and payment of back wages. This Complaint was resisted by the management on the ground that it was not maintainable, that this tribunal had no jurisdiction to entertain the same, that the Applicant had already filed an application under Section 33(2)(b) of the Industrial Disputes Act, 1947, praying for approval of the action taken against the Complainant and that this tribunal has marked that Application as Serial No. 43 of 1964 and as such there has been no contravention of section 33 of the Industrial Disputes Act, 1947.

5. When this Complaint was taken up for further proceedings at Bagalkot Camp on 27th June 1965, as already stated, both parties bad amicably settled their dispute in Serial No. 43/64. The Complainant therefore submitted that in view of that settlement he would not press this complaint.

6. Now that the Complainant has not pressed this complaint, I have no other alternative than to reject it and accordingly it stands rejected. No costs.

R. KRISHNA SETTY,

Presiding Officer,
Industrial Tribunal.

GOVERNMENT OF MYSORE

(LABOUR DEPARTMENT)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Bagalkot Cement Co. Ltd., Bagalkot.

Award of the Industrial Tribunal, Bangalore, published.

Read the following papers.—

1. Letter No. 495/65-66, dated 30th June 1965, from Shri R. Krishna Setty, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 29th June 1965.

Present

Sri R. Krishna Setty, B.A., L.L.B., Presiding Officer.

I.D. No. 48 of 1964.

I Party :—

Workmen of Bagalkot Cement Co. Ltd., Bagalkot, By the General Secretary, Bagalkot Cement Co. Workers' Union, Bagalkot.

Vs.

II Party :—

Management of Bagalkot Cement Co. Ltd., Bagalkot, Bijapur District.

Representations.

Sri D. M. Khalasi, General Secretary of the Union for the I Party and Sri B. Narayanaswamy, Advocate, for the II Party.

Government Reference No. PLM 432 LLD 64, dated 14th December 1964.

AWARD

This is an industrial dispute between the workmen and management of Bagalkot Cement Co. Ltd., Bagalkot relating to Dearness Allowance to all workmen from July 1960, payment of Rs.11/- per wagon to the employees in unloading coal and reinstatement of Sri J. B. Zingade.

2. The Government of Mysore, under Sec. 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), by their Order No. PLM 432 LLD 64, dated 14th December 1964, referred that dispute to this tribunal for adjudication. There are three

points of dispute scheduled in the order of Reference. They are as follows :—

"1. Whether the workmen of Bagalkot Cement Co. Ltd., Bagalkot are entitled to be paid dearness allowance as per the recommendations of Central Wage Board for cement from July 1960 ?

2. Whether the termination of services of Sri J. B. Zingade of the Baglkot Cement Co. Ltd., Bagalkot is justified ; if not, is he entitled to be reinstated with back wages or any other relief ?

3. Whether the wage rate to the employees of the Company in unloading coal should be fixed at Rs. 11.00 per wagon, or to what other rate should the same be fixed ?"

3. In the detailed Claim statement filed in the case, the workmen demanded increased dearness allowance since July 1960 as recommended by the Central Wage Board for Cement industry. They also demanded reinstatement of J. B. Zingade, one of the employees of the Company, in his former post on the ground that he had been illegally dismissed without notice, without a domestic enquiry and against the principles of natural justice. It is further alleged that in that coal unloading section of the Company their were nearly 100 employees, that the coal loading work was carried out by a group of 5 workers and they were paid Rs. 5.50 for unloading a wagon, that the daily earnings of a worker were not guaranteed as it depended on the coal arrival at Bagalkot and therefore prayed that they should be paid a minimum of Rs. 11.50 per wagon for unloading coal by a gang of 5 workers.

4. The II Party Company did not file the counter statement though sufficient opportunity had been given. I therefore posted the case for trial at Bagalkot Camp on 10/11th May 1965. When the case was called on for hearing on 11th May 1965 in that camp, both parties filed a joint memorandum of settlement in regard to points Nos. 1 and 3 scheduled in the order of Reference. By this settlement the company had agreed to pay to its workers concerned in the dispute the difference in dearness allowance between what they had been paid and what is payable to them in accordance with the recommendations of the Wage Board and that the said difference would be calculated and paid to the workmen who are entitled to receive the same on or before 30th of August in two instalments, the first on 30th June 1965 and the second on 30th August 1965. The Company was further willing to adopt a system as is prevalent in any other near-about Cement factory and that the parties would work out the details and therefore the first

party Union did not press the demand for increasing the unloading charges from Rs. 5 50 to Rs 11.00. Thereafter the case was posted for trial on the other point *viz.*, about the legality or otherwise of the order of termination of J. B. Zingade. On 27th June 1965, when the case was taken up for trial on this question at Bagalkot Camp, both parties filed a joint memorandum of settlement by which the company had agreed to take J. B Zingade back on his post at the last place of work if he reported himself for duty within 15 days of the publication of the award failing which he will not be entitled to be taken back for work and further the management was agreeable to pay him a subsistence allowance of half the rate of his wages from 9th March 1964 till the time allowed to him to return to work. In my opinion the arrangement made between the parties is likely to establish industrial peace in the Company and therefore I have no hesitation to give my approval for this arrangement. I therefore make an award in terms of the settlements dated 11th May 1965 and 27th June 1965 and the same are annexed herewith as annexures 'A' and 'B' and shall from part of this award. No costs.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.

ANNEXURE 'A'.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

I. D. No. 48 of 1964.

The Workmen of Bagalkot Cement Co. Ltd., represented by the General Secretary, Bagalkot Cement Co. Workers' Union, Bagalkot.
I Party

Vs.

The Management of Bagalkot Cement Co. Ltd., Bagalkot, Dist. Bijapur. ... *II Party.*

May it please the Honourable Tribunal.

The parties to the above Reference arrived at a settlement in the abovenoted reference in respect of the following issues

and pray the tribunal be pleased to pass an award in terms hereof :—

Point No. 1.—

Whether the workmen of Bagalkot Cement Co. Ltd., Bagalkot, are entitled to be paid Dearness allowance as per recommendations of Central Wage Board for Cement, rom July 1960 ?

Point No 2.—

Whether the termination of services of Sri J. B. Zingade of Bagalkot Cement Co. Ltd., Bagalkot, is justified ; if not, is he entitled to be reinstated with back wages or any other relief ?

Point No. 3.—

Whether the wage rate to the employees of the company in unloading coal should be fixed at Rs. 11 per wagon or to what other rate should the same be fixed ?

Management represented by
(Sd.) S. P. Chibber,
Works Manager
(Sd.) B. Narayana Swamy,
Advocate for Co.

Agreement

(1) The Company has agreed to pay to its workmen concerned in this dispute the difference in Dearness Allowance between what they have been paid and what is payable to them in accordance with the recommendations of the Wage Board.

(2) That this difference shall be calculated and paid to the workmen concerned in this dispute, who are entitled to receive the same, on or before 30th August in two instalments the 1st instalment to be paid on 30th June 1965 and the 2nd instalment on 30th August 1965.

In this dispute the parties are still discussing and have not yet arrived at any settlement, and they will report if there is any settlement in respect of this reference at the next hearing at Bangalore and if no settlement has been arrived at, will proceed with the hearing. The management undertakes to file its written statement in respect of items 2 and 3 at least seven days before the next day of hearing if the matter has not been settled, and simultaneously serve a copy to the union.

The Company is willing to adopt a system as is prevalent in any other near about cement factory and the parties will work out the details. This demand will, therefore not be pressed at present.

(Sd.) D. M. Khalasi,
Workers represented by B. C. C.
Workers' Union.

"TRUE COPY"

ANNEXURE 'B'.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

I. D. No. 48/64.

Workmen of Bagalkot Cement Co. Ltd., represented by the General Secretary, Bagalkot Cement Co. Workers' Union.

I Party.

Vs.

The Management of Bagalkot Cement Co. Ltd., Bagalkot.

II Party.

May it please the Honourable Tribunal.

Agreement on Point No. 2.

Without prejudice to the contention of either party it is agreed between the parties that Mr. Zingade will be taken back on his post at the last place of his work if he reports for duty within 15 days of the publication of the Award. His failure to report for work within the said period of fifteen days, he will not be entitled to be taken back for work.

The management is agreeable to pay Mr. Zingade from 9th March 1964 a subsistence allowance of half the rate of his wages till the time allowed for him to return to work.

The parties pray that the Honourable Tribunal may be pleased to pass an award on the above terms.

(Sd.) J. B. Zingade,
Management represented by
(Sd.) B. Narayanaswamy,
Advocate for the Company.

(Sd.) D. M. Khalasi,
General Secretary
Bagalkot Cement Co. Workers'
Union, Bagalkot.

Bagalkot,
27th June 1965.

"TRUE COPY"

Bangalore-2,
Dated 27th June 1965.

R. KRISHNA SETTY,
Presiding Officer, Industrial Tribunal.

ORDER.

Bangalore, dated the 13th July 1965.

S. O. 2795—WHEREAS by State Government Order No. PLM 432 LLD 64, dated 14th December 1961, the Industrial Dispute between the Workmen and the Management of Bagalkot Cement Co. Ltd., Bagalkot was referred to the Industrial Tribunal, Bangalore, for adjudication ;

AND, WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 432 LLD 64].

By Order and in the name of the Governor of Mysore,

511 G. G. PUROHIT *Under Secy.*

ORDER.

Bangalore, dated the, 8th July 1965.

S. O. 2796.—WHEREAS by State Government Order No. PLM 205 LLD 63, dated 29th May 1963, the Industrial Dispute between the Workmen and the Management of Six Cashew Industries, Mangalore was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS before the said Industrial Tribunal, a complaint was made under Section 33A of the Industrial Disputes Act, 1947, (Central Act No 14 of 1947), by Smt. Laura *alias* Bagi an employee of M/s Peirce Leslie and Co., Ltd, Bunder, Mangalore, for an alleged contravention of the provisions of section 33 of the said Act. by the employers;

AND, WHEREAS the said Industrial Tribunal, adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33A of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act, No. 14 of 1947) the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. PLM 205 LLD 63 (ii).]

By Order and in the name of the Governor of Mysore,

514 G. G. PUROHIT, *Under Secy.*

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated the 19th June 1965.

Sri R. Krishna Setty, B.A., LL.B., Presiding Officer.

Complaint No. 6 of 1965 in/I. D. No 15 of 1964.

Complainant:— Smt. Laura *alias* Bagi, D/o Benadict, Sweeper, C/o The Cashew, Coffee, Cardamom and Allied Workers' Union, Gujjerikare, Jeppu, Mangalore.

Vs.

Opposite Party—.The Management of Messrs. Peirce Leslie and Co., Ltd., Bunder, Mangalore.

APPEARANCES

For the Complainant, Sri K. Sashidhar Rao, B. A., LL, B., Advocate, Felix Pai Bazaar, Mangalore-1.

For the Opposite Party :—Sri K. Venkappa Rai, Manager, Peirce Leslie and Co., Mangalore.

Reference :— G. O. No. PLM 205 LLD 63 dated 29th May 1963.

This purports to be a complaint under Section 33-A of the Industrial Disputes Act, 1947, by an aggrieved workman against her employer for an alleged contravention of the provisions of Section 33 of that Act.

(2) It is alleged that the complainant was working as a sweeper in the Maidan Coffee Works, belonging to the Opposite Party and latter closed it with effect from 1st December 1964, that before doing so, the Opposite Party had offerred an employment to her and other workers in their other two factories at Jeppu and Kulshekar and that she applied for work at Jeppu Factory and that although she had been reporting herself at the said Jeppu Works, she had not been given employment and therefore this Tribunal should interfere in the matter and see that she is not deprived of employment.

(3) This complaint has not been verified by her but by some unknown person said to be a Municipal Councillor of Mangalore.

(4) The Opposite Party represented by the Manager, characterised the complaint as frivilous and added that the verification in the complaint has been made by a party unconnected with the industry and the complaint is not in accordance with law. On

merits, it was admitted that this Party has closed its Maidan Factory with effect from 1st December 1964 and though had offerred alternative employment to all the workers in their other factories at Jeppu and Kulshekar yet none of the workers working in the Maidan factory had accepted that alternative employment or indicated his intention of accepting employment as required in their notices and that the complainant also having failed to indicate her acceptance to work in anyone of the two factories within a reasonable time, she could not come forward at this late hour and say that she is prepared to work in Jeppu Factory. It was above all stated that there has been no contravention of Section 33 of the Industrial Disputes Act, 1947, warranting the present complaint under Section 23-A of that Act and the same is liable to be dismissed.

(5) It is an admitted fact that the Opposite Party has notified to all its workers working in Maiden Coffee Works that the said Factory would be closed with effect from 1st December 1964. It is also admitted fact that the Opposite Party had offerred alternative employment to them in their factories at Jeppu and Kulshekar. The grievance of the complainant is that though she was always ready and willing to work in Jeppu Factory, the Management did not give her any employment there. The question for consideration, therefore, is that even assuming for the sake of argument, that her complaint is well founded whether she is entitled to make the present complaint under Section 33-A of the Industrial Disputes Act, 1947. It is true that during the pendency of any proceedings before the Tribunal in respect of an industrial dispute, no employer shall in regard to any matter connected with the dispute alter to the prejudice to the workman concerned in such dispute, the condition of service applicable to them immediately before the commencement of such proceeding. The meaning of the expression " in any matter connected with the dispute found in Section 33 of the Industrial Disputes Act, 1947, was the subject matter of several decisions. It has been held in Sridharan Motor Service, Attur, *vs.* Industrial Tribunal, Madras and others, reported in 1959 I LLJ 380 that when the pending dispute related to fixation of basic wage-scales for the concerned workmen, change effected by the employer in working hours or spread over of working hours could not be considered to be in respect of matter connected with the pending dispute within the meaning of Section 33 of the Industrial Disputes Act. Similarly in Pali Electricity Company, Ltd. -*Vs*- Industrial Tribunal and another reported in 1959 I LLJ 282, it was held that when

the dispute related to Bonus for the previous two years, the question of deduction from the current wages could not be considered to be a matter "connected with the dispute." The Madras High Court in Sandanaswami pillai-*Vs*- Ponnuswamy and others reported in 1959 II LLJ 791 held that when pending adjudication of a dispute relating to revision of the rates of wages, the employer retrenched workman without complying with the provisions of Section 25 F of the Act, the concerned workman could not file an application under Section 33-A of the Act complaining against their retrenchment. Even assuming that the retrenchment contravened S. 25F of the Act, the labour Court would have no jurisdiction to make any order under Section 33-A of the Act. If the worker was aggrieved, he should have gone to the appropriate authority under Section 33 C of the Act.

(6) In the present case, the dispute that was pending before this Tribunal in I. D. No. 15 of 1963, related to revision of wages, Dearness Allowance, Payment of Bonus in addition to the Gratuity Scheme. During the pendency of such a dispute, the Management closed its business in Maidan Coffee Works and offerred alternative employment to the worker in their two other factories at Jeppu and Kulshekhar. The complaint now is that the complainant was not given the alternative employment. The closing down of the concern, the offering of alternative employment to the workers and refusal by the Management to give employment to one of the employees as offered, in my opinion, cannot be said to be matters connected with the dispute in I. D. No. 15 of 1963. No application under Section 33-A of the Industrial Dispute Act, 1947, can lie. The proper remedy to the complainant would be under Section 25FFF read with Section 33 of the Industrial Disputes Act, 1947.

(7) For these reasons, I am of opinion that the complaint is unsustainable in law and is liable to be rejected in limine.

(8) In the result, I make an Award rejecting the complaint.

R. KRISHNA SETTY,
Presiding Officer, Industrial Tribunal,
Bangalore.

ORDER

Bangalore, dated the 18th July 1965.

S. O. 2797.—WHEREAS by State Government Order No. PLM 168 LLD 64, dated 6th October 1964, the Industrial Dispute between the workmen and the Management of Bagalkot Cement Co., Ltd., Bagalkot was referred to the Industrial Tribunal Bangalore, for adjudication.

AND WHEREAS before the said Industrial Tribunal a complaint was made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shri Ralgappa Balappa, Driver, alleging that he was dismissed from Service.

AND WHEREAS the said Industrial Tribunal adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33 A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act, No. 14 of 1947) the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. PLM 168 LLD 64 (i).]

By Order and in the name of the Governor of Mysore,

600 G. G. PUROHIT, *Under Secy.*

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 30th June 1965.

Present :

Sri R. KRISHNA SETTY B.A., LL. B., *Presiding Officer.*

Serial No. 18 of 1965 in
I. D. No. 38 of 1964.

Applicant.
The Bagalkot Cement Co., Ltd., Bagalkot.

Opposite Party:
Sri Rangappa Balappa, T. No. 46, Driver, near Sirur Agashi, Bagalkot.

Complaint No. 7 of 1965
in I. D. No. 38 of 1964.

Complainant.
Sri Rangappa Balappa, T. No. 46, Driver, C/o General Secretary, Bagalkot Cement Co. Workers' Union, Venkatpet, Bagalkot,

Opposite Party.
The Management of Bagalkot Cement Co., Ltd,, Bagalkot.

Representations.

Sri D M. Khalasi and Sri M. C. Narasimhan for the workmen.
Sri B. Narayanaswamy, Advocate, for the Management.

Reference

(G. O. No. PLM 168 LLD 64, DATED 6TH OCTOBER 1964)

AWARD

This is a complaint under Section 33-A of the Industrial Disputes Act, 1947, (Central Act XIV of 1947) by Rangappa Balappa, Driver in Bagalkot Cement Company, Bagalkot, for an alleged contravention of the provisions of Section 33 of that Act by his employer. It is said that the complainant was a permanent worker, that he had put in about 11 years of continuous service drawing a monthly salary of Rs. 135, that his employer, the Opposite Party, dismissed him from service from 27th March 1965,

that the said order of dismissal was illegal and was actuated by improper motive, that the period cf suspension from 6th March 1964 to 27th March 1965 was not in accordance with the Standing Orders, that the order of dismissal is opposed to the principles of natural justice and that he should be reinstated in the former post. It is also alleged that the Opposite Party has not complied with the provisions of Section 33 (2) (b) of the Industrial Disputes Act, 1947 and is as much as the proceedings of the I. D. No. 38 of 1964 are pending before this Tribunal between the Parties.

2. The Opposite Party had not filed any objection Statement to this complaint though several opportunities have been granted.

3. In the meanwhile, the Opposite Party had filed a Serial Application No. 18 of 1965 in I. D. No. 38 of 1964 under Section 33 (2) (b) of the Industrial Disputes Act, 1947, alleging that the said Rangappa Balappa had disobeyed the lawful orders issued to him by his superiors in refusing to drive the Station Waggon for bringing the Mill House Foreman Shri Paul Mathew, as there was break-down in the Mill and an emergency had to be attended to, that he was also found drunk while on duty, that he was found guilty of the serious and grave misconducts and therefore the management dismissed him from service, paid him his one month's wages and made an application to this Tribunal for approval to the action taken by it.

4. In his objection statement, the workman had pleaded not guilty of the charges and asserted that the domestic enquiry was vitiated on more grounds than one. On 27th June 1965 when that serial application was first taken up for consideration both parties filed a Joint Memo to the effect that the workman Rangappa Balappa had expressed in writing his regret for his misconduct and undertook not to indulge in that way and the management has agreed to take him back on work in continuity of his service in his original post within 7 days from the date of this settlement if he reported for work within that time failing which he would not be engaged thereafter. They also stated that these consent terms would dispose of not only the Serial Application No. 18 of 1965 but also the relevant complaint. Accordingly the parties were directed to act according to the terms of the settlement in Serial Application No. 18 of 1965 and the application was ordered to be filed.

5. Thereafter when the present complaint was taken up for consideration, the complainant submitted that in view of the settlement of the dispute reported in Serial No. 18 of 1965, he could not press this complaint.

6. In the circumstances, I have no other alternative than to reject the complaint and I reject it accordingly.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal,
Bangalore.

REVENUE SECRETARIAT

NOTIFICATION.

Bangalore, dated 3rd July 1965.

S. O. 2798.—WHEREAS in respect of lands in the tract consisting of villages of (1) Belligeri, (2) Chamkeri, (3) Kirangi, (4) Anantpur, (5) Kalloli, (6) Arlibatti, (7) Abbihal, (8) Katageri, (9) Badachi, (10) Yakkanchi, (11) Kannal, (12) Ramtirth, (13) Badagi, (14) Aigali, (15) Hallolli, (16) Yalihadalagi, (17) Adhalli, (18) Artal and (19) Koballi in Athani Taluk, Belgaum District, the collection of land revenue payable for the revenue year 1961-62 has been suspended to the extent of fifty per cent;

AND WHEREAS owing to untimely rains and unsatisfactory seasonal conditions, the annewari growth of crops is above six annas and below eight annas and consequently there has been a failure of crops and the Government of Mysore considers it necessary to remit the suspended arrears of Land Revenue payable in respect of the lands in the said tract for the Revenue year 1961-62;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 194 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore hereby remits the suspended arrears of Land Revenue payable for the Revenue year 1961-62 in respect of the lands in the tract consisting of the said villages in Athani Taluk, Belgaum District.

[No. RDF 4 TRM 65.]

By Order and in the name of the Governor of Mysore,

516 G. V. DESAI, *Under Secy.*

NOTIFICATION.

Bangalore, dated 5th July 1965.

S. O. 2799.—WHEREAS in respect of the lands in the tract consisting of villages of (1 Chinmad (2) Yargatti (3) Hangandi (4) Ramtirth (5) Kalbilgi (6) Kajibilgi (7) Gadyal and (8) Todalbagi, in Jamkhandi Taluk, Bijapur District, the collection of land revenue payable for the revenue year 1960-61 has been suspended to the extent of fifty per cent ;

AND WHEREAS, owing to untimely rains and unsatisfactory seasonal conditions, the annewari of crops is less than 8 annas and consequently there has been a failure of crops and the Government of Mysore considers it necessary to remit the suspended arrears of Land Revenue payable in respect of the lands in the said tract for the Revenue year 1960-61 ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 194 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore hereby remits the suspended arrears of Land Revenue payable for the Revenue year 1960-61 in respect of the lands in the tract consisting of the said villages, in Jamkhandi Taluk, Bijapur District.

[No. RDF 28 TRM 65].

By Order and in the name of the Governor of Mysore,

G. V. DESAI, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 5th July 1965.

S. O. 2800.—WHEREAS, in respect of the lands in the tract consisting of the villages of (1) Hallur (2) Chondi and (3) Agasabal in Muddebihal Taluk, Bijapur District, the collection of land revenue payable for the revenue year 1960-61 has been suspended to the extent of fifty per cent;

AND WHEREAS owing to untimely rains the annewari of crops is less than 8 annas and consequently there has been a failure of crops and the Government of Mysore considers it necessary to remit the suspended arrears of Land Revenue payable in respect of the lands in the said tract for the year 1960-61 ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 194 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore hereby remits the suspended arrears of Land Revenue payable for the Revenue year 1960-61 in respect of the lands in the tract consisting of the said villages, in Muddebihal Taluk,Bijapur District.

[No. RDF 31 TRM 65.]

By Order and in the name of the Governor of Mysore,

520 G. V. DESAI, *Under Secy.*

HOME SECRETARIAT.

NOTIFICATION

Bangalore, dated 8th July 1965.

S.O. 2801.— In exercise of the powers conferred by sub-section (1) of section 16 of the Mysore Motor Vehicles Taxation Act, 1957, (Mysore Act 35 of 1957), the Government of Mysore being of the opinion that it is necessary in public interest so to do, hereby reduces the tax payable under the said Act in respect of stage carriages plying on the route specified in column (1) of the Table below to the extent and for the period specified in columns (2) and (3) respectively of the said table.

TABLE

Route	Tax payable per quarter		Period
	per seated passenger	per standing passenger	
Jallahalli to Lingusugur, Chavani *via* Yelgatti, Goudur, Gurugunta, Kotab, Hatti, Gudnahall and Sarjapur.	7.50	3.75	For a period of two years with effect from 8th December 1964 or till the road is taken over by the Public Works Department whichever is earlier.

[No. HD 8 TMT 65].

By Order and in the name of the Governor of Mysore,

513 V. RAMANATHAN, *Under Secy.*

NOTIFICATION.

Bangalore, dated 13th July 1965.

S.O. 2802.—In exercise of the powers conferred by clause (a) of section 16 of the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957), the Government of Mysore being of the opinion that it is necessary in public interest so to do, hereby exempt the tax payable under the said Act, in respect of Motor Vehicles exclusively owned and used by institutions doing charitable work or individuals for giving free medical aid to the public or for providing relief or for supplying food, clothing and medicine in times of natural calamities like floods, fire, accidents and famine.

[No. HD 158 TMT 63].

By Order and in the name of the Governor of Mysore,

518 V. RAMANATHAN, *Under Secy.*

NOTIFICATION

Bangalore, dated 13th July 1965.

S. O. 2803.—In exercise of the powers conferred by rule 316 of the Mysore Motor Vehicles Rules, 1963, the Government of Mysore being satisfied that the vehicle trailer combinations of the Mysore State Road Transport Corporation described in the schedule below can be used in a public place without any danger to the public safety, hereby exempts the said vehicle trailer combinations from the provisions of rule 219, 251 and 253 of the said Rules for the purpose of plying them in the Bangalore City area.

SCHEDULE

Vehicle	Reg. No.	Engine No.	Chassis No.	Wheel base	Overall length
1	344	ALE 16029	ALC 5132	203"	28'–10"
2	327	16314	ALC 4536	"	"
3	328	5789	ALC 4632	"	"
4	336	16318	ALC 4652	"	"
5	333	ALE 5294	ALC 4935	"	"

Trailer	Reg No.	Chassis No.	Wheel base	Overall length
1	483	PAB 7573	190"	26'–3"
2	500	PAB 7878	"	"
3	485	PAB 7662	"	"
4	484	PAB 7652	"	"
5	497	PAB 7665	"	"

[No. HD 207 TMA 65.]

By Order and in the name of the Governor of Mysore,

519 V. RAMANATHAN, *Under Secy.*

NOTIFICATION.

Bangalore dated 14—15th July 1965.

S. O. 2804.—The following draft of directions which the Government of Mysore proposes to issue to the State Transport Authority in exercise of the powers conferred by sub-section (1) of Section 43 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and in partial modification of the directions issued in Government Notification No. HD 253 TMA 59, dated 23rd December 1963, is hereby published as required by the proviso to the said sub-section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft directions will be taken up for consideration, by Government after one month from the date of publication of the draft directions in the *Mysore Gazette*.

Objections or suggestions, if any, which may be received from any persons in respect of the draft directions within the period specified above will also be considered by Government. Objections and suggestions may be addressed to the Secretary to the Government of Mysore, Home Department, Vidhana Soudha, Bangalore-1.

Draft Directions.

1. Public Carriers.—(i) It is agreed that the number of permits to be counter-signed by each State be increased from 500 to 600.

(ii) It is agreed that so far as Andhra Pradesh based vehicles having permanent countersignatures with the Maharashtra are concerned, they would be permitted to use the Bidar Corridor in Mysore State on Sholapur-Hyderabad Road, if that as one of the routes countersigned in the permit and that in turn Andhra Pradesh would permit Mysore based vehicles plying between Mysore and Madras through the Andhra Pradesh Corridor of Palamner-Chittoor. For such vehicles using these corridors single point tax

is agreed to subject to the condition that the vehicles should not pick up or set down any goods at any point within the corridor.

2. Private Carriers.—It is agreed that the existing quota of private carrier permits to be countersigned by each State be raised from 25 to 75.

3. Free movement of Oil Tankers.—It is agreed that permits for P. O. L. Lorries to be countersigned by each State irrespective of whether they are public or private carriers, be fixed at 20. These vehicles shall be allowed to ply between Mysore and Andhra Pradesh subject to single point taxation.

[No. HD 30 TMI 64.]

By Order and in the name of the Governor of Mysore,

521 V. RAMANATHAN, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 15—17th July 1965.

S. O. 2806. —WHEREAS the term of Office of the Councillors of the Municipal Council of Ramanagaram Town Municipality, Bangalore District, extended in Notification No. PLM 12 TEL 65, dated the 16th March 1965, expires on 3rd August 1965;

AND WHEREAS the extension of the boundaries of the said Municipality are under consideration of Government;

NOW THEREFORE, in exercise of the powers conferred by sub-sections (3) and (4) of Section 381 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby extends the term of office of the persent councillors of the Town Municipal Council, Ramanagaram; for a further period of six months with effect from 4th August 1965.

[No. PLM 56 TEL 65.]

By Order and in the name of the Governor of Mysore,

V. NANJAIAH, *Under Secy.*,

NOTIFICATION.

Bangalore, dated the 15th July 1965

S. O. 2807.—WHEREAS in Notification No. PLM 18 LLE 65, dated the 27th February 1965 the period of declaration of the Oxygen and Acetylene Industry in the State as a Public Utility Service was extended for a further period of six months from 25th January 1965;

AND, WHEREAS in the opinion of the Government of Mysore Public interest requires that the period specified in the said notification should be extended by a further period of six months;

NOW, THEREFORE, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act 1947 (Central Act No. 14 of 1947) the Government of Mysore hereby extends the period specified in the said notification by a further period of six months from 25th July 1965.

[No. PLM 18 LLE 65].

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

GOVERNMENT OF MYSORE

(LABOUR DEPARTMENT)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Six Cashew Factories, Mangalore.

Award of the Industrial Tribunal, Bangalore—Published.

READ the following papers :—

1. Letter No. I. T. 359/65-66, dated 27th May 1965, from Shri R. Krisana Setty, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 27th May 1965.

Present :

Sri R. Krishna Setty, B.A., LL.B. *Presiding Officer.*

I. D. No. 15 of 1963.

I Party

Workmen of :—

1. M/s. Peirce Leslie & Co. Mangalore (Cashew Factories).
2. M/s Swasti Cashew Industries (P) Ltd., Mangalore (Two Cashew Industries).
3. M/s. U. Narayana Mallya & Sons, Mangalore (Two Cashew Factories).
4. M/s. Fernadez Bros., Cashew Factory, Mangalore.
5. M/s. M.G.A Pai & Sons., Cashew Factory, Mangalore.
6. M/s. Yeknath Cashew Industries, Bunder, Mangalore.

II Party

Managements of :—

1. M/s. Peirce Leslie & Co., Mangalore.
2. M/s. Swasti Cashew Industries (P) Ltd., Mangalore.
3. M/s. U. Narayana Mally & Sons. Mangalore.
4. M/s. Fernandez Bros., Cashew Factory, Mangalore.
5. M/s. M.G.A. Pai & Sons, Cashew Factory, Mangalore.
6. M/s. Yekanath Cashew Industries, Bunder, Mangalore.

Represented by:—

I(a) Secretary, Cashew Workers' Union, Maidan Road, Mangalore.

I(b) Secretary, Dakshina Kannada Gerubeeja Shramika Sangha, Mangalore.

I c) Secretary, South Kanara Cashew & Coffee Workers' Union, Mangalore.

Appearances.

I(a) Party—Sri A. Shantaram Pai,

I(b) Party—Sri Prabhakar Ghate,

I(c) Party—Sri Vittal Setty.

No. 1 of the II Party by Sri K. Venkappa Rai and later by Sri K. V. R. Shenoi.

No. 2, 3 and 4 of the II Party by Sri K. Shashidhar Rao.

No. 5 of the II Party by Sri M. G. A. Pai.

AWARD.

This is an industrial dispute between the Workmen and the Managements of—

(1) M/s. Peirce Leslie & Co., Mangalore (Three Cashew Factories).

(2) M/s. Swasti Cashew Industries (P) Ltd., Mangalore, (Two Cashew Factories).

(3) M/s. U. Narayana Mallya and Sons., Mangalore (Two Cashew Factories).

(4) M/s. Fernandez Brothers, Cashew Factory, Mangalore.

(5) M/s. M. G. A. Pai & Sons., Cashew Factory, Mangalore.

(6) M/s. Yekanath Cashew Industries, Bunder, Mangalore in respect of (a) wages, (b) Dearness Allowance, (c) bonus and (d) Gratuity Scheme.

2. The Government of Mysore, in exrcise of the powers conferred upon them under Sec. (10) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), referred the said dispute to this tribunal for adjudication by their Order No. PLM 205 LLD

63, dated 29th May 1963. The points of disputes scheduled in the order of Refernce are as follows :—

"I. Are the workers of the Cashew Factories mentioned in the Schedule are entitled to the following benefits ?

(*i*) Shellers and Peelers should be paid at 12 nP. per pound of kernel delivered at the weighing machine.

(*ii*) For peeling pieces 6 nP. per pound should be paid.

(*iii*) Roasting nut distributors (boys and girls) should be paid at Rs. 2 per day.

(*iv*) Yard workers, Hot Room workers, Expeller workers, Roasting Department workers and all other category of day rated workers should be paid a wage increase of 50 nP. over the existing wage rate subject to a minimum of Rs. 3 per day.

(*v*) All workers should be paid Dearness Allowance of Rs. 15 per month or 50 nP. per day.

(*vi*) All workers should be paid bonus equivalent to 25 per cent of their earnings.

(*vii*) A Gratuity Scheme should be introduced.

(*viii*) Graders should be paid at Rs. 2 per day.

If not, to what alternative reliefs are the workers entitled to in respect of the above mentioned demands ?"

3. The Government had sent a copy of the Order of this Reference to the Secretary, Cashew Workers' Union, Maidan Road, Mangalore, presumably to represent the workmen employed in the six Cashew industries. Accordingly the General Secretary of that Union filed the claim statement on 23rd July 1963 in support of the demands. Subsequently on 2nd August 1963, the Secretary, Dakshina Kannada Gerubeeja Shramika Sangha, Mangalore, also filed a claim statement together with a Memo for impleading that Sangha as an Additional I Party. It was alleged therein that a considerable number of workmen of M/s. Swasti Cashew Industries, M/s. U. Narayana Mallya & Sons, M/s. FernandezBrothers and M/s. M.G.A. Pai & Sons, are members of that Sangha, that it had raised similar demands in respect of the workmen of those managements and before this Sangha could agitate the matter in the conciliation proceedings, the conciliation proceedings had been completed and therefore this Sangha could not take part therein and as such the

Sangha should now be impleaded as a party. This was resisted by the Managements. The tribunal, after hearing the concerned parties, by an order dated 24th December 1963 allowed the Sangha to be impleaded as additional party No. I(b), the present I party being designated as party No. I(a). The tribunal further directed both the Union and the Sangha to adduce evidence in support of their demands. M/s. Peirce Leslei & Co., Mangalore, the first member of the II Party filed their counter statement on 19th September 1963, M/s. Swasti Cashew Industries (P) Ltd., the 2nd member of the II Party filed their counter statement on 28th December 1963, M/s. U. Narayana Mallya & Sons, the 3rd member of the II Party filed their rejoinder on 9th January 1964, M/s. Fernandez Brothers Cashew Factories, 4th member of the II Party filed their rejoinder on 19th December 1963, M/s. M.G.A. Pai & Sons, Cashew Factories filed their counter statement on 17th February 1964 and M/s. Ekanath Cashew Industries, Mangalore, 6th member of the II Party, filed no rejoinder and failed to participate in the proceedings, throughout.

4. I(a) party was represented by Sri A. Shantaram Pai while I(b) party was represented by Sri Prabhakar Ghate. The 1st member of the II Party was represented by Sri K. Venkappa Rai and later by Sri K.V.R. Shenoi while the 2nd, 3rd and 4th members of the II Party were represented by Sri K. Shashidhar Rao, the 5th member was represented by Sri M.G.A. Pai and later by Sri Sadanand Pai. On 9th October 1964, Sri T. P. Rao filed an application on behalf of certain workmen of South Kanora Cashew and Coffee Workers' Union for bringing that Union on record. Since Sri T. P. Rao submitted that he had no objection for the case proceeding further without any delay and that he was only supporting the demands made by the workmen already on record, the tribunal ordered that it would not be permitted to file any additional claim statement and further ordered that the South Kanara Cashew and Coffee Workers' Union would be added as Party No. I(c). This I (c) party is represented by Sri Vittal Setty.

5. The points of dispute sheduled in the order of Reference though 8 in number, fall under four distinct major heads, *viz.*, (1) wages, (2) dearness allowance, (3) bonus and (4) gratuity sheme, in regard to about 7,500 workmen employed in 10 Cashew factories of Mangalore under the six managements of the II Party. The case for the workmen as could be seen from the detailed claim statements filed by the Secretary of the Dakshina Kannada

Gerubeeja Shramika Sangha and also by the General Secretary of the Cashew Workers' Union, Mangalore, briefly stated is this:— Cashew Nut processing industry is one of the prime labour incentive industries of the West Coast, prevalent in Kerala State, centered at Calicut, Tellicherry and Quilon and in Mysore State, at Mangalore. The Cashew production in the 10 factories of Mangalore is about 25% of the total Indian production, that out of 19 1/2 crores of rupees of Indian exports in 1962, about 5 crores of rupees worth of kernals were exported to Ameircan and Continental markets, that the prosperity of the entire industry is beyond question and could be compared well with any other organised industry like Textiles, Cement or Steel, in India and that from the point of view of National Economy also the industry is of great importance in as much as it earns crores of rupees worth of valuable foreign exchange for the country. It is alleged that 95% of the total labour employed in these ten cashew factories are women excluding the staff, and the rest of the 5% are male workers engaged in such departments like Roasting, Expellers, Hot Room and Yard. The women workers are paid on piece-rate basis and the rest are paid daily wages, the workers of the Shelling and Peeling Departments are paid on the quantum of work turned out by them while women workers of the Grading Department are paid daily wages as also the men and women workers of the Roasting Department, Roasted Nut Distributors, Driers and other sundry worker. It is also alleged that the workers get very low wages, that the average may work out to anywhere between Re. 1.00 and Rs. 1.50 per day. It is said that in view of the very low wages prevalent in the industry, the Government of Mysore, in July 1960, notified under the Minimum Wages Act, the minimum rates of wages payable to the different categories of workers as follows:—

Piece Raters.	(1) Shellers	...	0.09 nP. per pound of shelled whole kernels.
	(2) Shellers in the cutting process	..	0.08 nP. per pound of shelled whole kernels.
	(3) Peelers	...	0.09 nP. per pound of peeled whole kernels.
	(4) Peelers	...	0.04 nP. per pound of peeled kernel pieces.
ime Rates.	(5) Graders	...	Rs. 1.36 per day
	(6) Roasters, Driers, Yard Workers, etc.		Rs. 2.30 per day
	(7) Tinker	...	Rs. 2.87 per day

As the cost of living has risen abnormally during the last several years, the minimum or the subsistence rates of wages now paid to these workmen are insufficient to make both ends meet and hence the demand for increased rates of wages as mentioned in the order of Reference, which is about 33 1/3% higher than the existing minimum wage rates. Apart from the increase in the rates of wages, the workmen have demanded bonus equivalent to 25% of their earnings for the year 1962 and also for introduction of Gratuity Scheme in each of the concerns of the II party.

6. Messrs. Peirce Leslie & Co. Ltd., Mangalore, the First members of the II Party Managements, in their Rejoinder admitted that they had three cashew factories employing a labour force of about 4,000 in cashew processing but disputed that the South Kanara District alone exported 25% of the total production of cashew kernels in India and asserted that the total export from South Kanara alone was about 16%. It is said that with the increase in various taxes and the introduction of the Employees State Insurance Scheme along with the emergency risk insurance of factories and goods, it had become increasingly difficult for the employers to carry on the industry without suffering losses, that their industry suffered huge loss in the year 1960-61 and as such it cannot be said that it is in a prosperous condition. It was stated that if the earnings of the workers in their cashew factories were lower as opposed to Kerala factories, it was because of the lack of efficiency and lack of application on the part of the workers themselves and the same is further reduced on account of absenteeism. Above all it is said that most of the women workers come to the fields for work during the harvest season and their income in the cashew industry is only an additional income in the family to the income earned by their male members from other industries, and that the consolidated income of the family as a whole has got to be considered in the matter and that the Government while fixing the minimum wages in the year 1960, has taken into consideration the Dearness Allowance also and the wages now paid which includes D. A., are quite fair and just and that there is no justifiable reason for any revision. As regards the claim for introduction of Gratuity Scheme, it is stated that the Employees State Insurance Act has been extended and that the employers have got to pay huge premium as employers' contribution and further, the employees are enjoying the benefits of the Employees' Provident Fund Act and Scheme since 1959 as result of which the overhead expenses have enormously increased and that the introduction of Gratuity Scheme would be

an additional burden on them which would ultimately cripple the industry and that therefore there is no reasonable justification for the grant of that claim. In respect of bouns for the year 1961-62, they alleged that the same has been settled under an agreement and the workers have been paid their bonus and this question therefore does not arise at all.

7. Messrs. Swasti Cashew Industries (P) Ltd., Mangalore, the 2nd Management of the II Party stated that they were having only one cashew factory at Konchadi in Mangalore employing about 800 workers 95% of whom are women doing work in Shelling, Peeling and Grading Departments and only a small batch of male and female coolies was employed to handle roasting, hot house and loading and unloading, distribution of roasted nuts, carrying on water to filters, cleaning and other small works. They have alleged that the cashew industry is mainly a seasonal one, that 70% of the raw cashew nuts are imported from African countries, that the processing work in the cashew industry could be maintained for about 10 months in a year, both with Indian crop and imported African raw cashew nuts, that the industry caters to the needs of foreign countries, that the United States of America, the biggest buyer actually control the world markets in cashew kernels, that the Indian manufacturer has no control over the price of its products, that the fluctuation in the price of raw cashew nuts and finished products is so great that the trade has become speculative in nature and the industry is run on great risks. It is said that cashew factories have come up in Loueno Marques in Tanganika and other places in Africa, which consumes more of the African cashew nuts and that Indian manufacturers cannot compete with them since they have introduced mechanical processing which is cheaper. It is also said that in European common market meetings, the African States had objected to nil tariff on cashew kernels imported from India and that there are certain plans afoot to start a big factory in Madagaskar and when once the factory starts working there, it is undoubtedly going to flourish because of the proximity of the raw materials, cheaper steamer freight to U. S. A. and Europe, and it would be a very severe below to Indian cashew industry. If at such a critical juncture any burden is laid on the employers of cashew industry in India, it would not only drive the employer out of business but also deprive the Nation of the much needed foreign exchange. They denied that the cost of living in South Kanara has gone up to the extent that the minimum wages fixed by the Government in 1960 require any revision.

8. The other three managements *viz.*, (1) Messrs. U. Narayana Mallya & Sons., (2) Messrs. Fernandez Brothers and (3) Messrs. Mizar Govinda Annappa Pai & Sons., Mangalore, practically adopted the defence of the other two managements and asserted that the cashew factory owners were working their factories in the face of great financial difficulties incurring continuous losses and that it was because of the possibility of almost unbearable labour retrenchment compensation liabilities and their existing stake by way of heavy fixed capital investments in their factories, that they are continuing to work their factories against overwhelming odds.

9. It is thus seen that each of the managements of the II Party has pleaded its incapacity to pay wages to its employees higher than the wages already fixed by the Government under the Minimum Wages Act. Each is further opposed to the introduction of Gratuity Scheme.

10. After both the parties adduced evidence and closed their case, the matter was taken up for arguments at Bangalore on 9th April 1965. On that day the authorised representatives of the three I Party Union filed a joint memo and submitted that the question of bonus for the year 1962 had been settled out of court and so they did not press that issue. Hence. my finding on point of dispute No. I(vi) shceduled in the Order of Reference, is not called for.

11. The most important point for consideration is whether the workmen of the six Cashew Industries in question are entitled for enhancement of wages in addition to dearness allowance. It is an admitted fact that the Government of Mysore fixed the minimum rates of wages to each class of employees in the cashew nut industry in the State and the notification in regard to it came into fore on and from 18th July 1960. Ext. M5, the copy of that Notification shows the classes of emyloyees and the minimum rates of wages—an all inclusive rate to which they are entitled. It is also undisputed that the management of these six cashew industries have been paying wages to their employees only in accordance with that notification from 1960. The contention of Sri Shantaram Pai the authorised representative of the workmen are as follows:—

(a) The cashow industry in whole of India is confined to the West Coast within an area between Mangalore and Trivandrum, that about 15 per cent to 26 per cent of the industry is situated in and around Mangalore in the State of Mysore and more than

75 per cent in the State of Kerala, that prior to the State Reorganisation Act, 1956, the cashew factories were in Calicut, Tellicherry and Mangalore in the then composite State of Madras and the rest in the then Travancore-Cochin State and that M/s. Peirce Leslie and Co. Ltd., No. 1 of the II Party owned Cashew Factories both at Mangalore and Calicut and Tellicherry, that a large chunk of raw material required is imported by each and every one of those factories in both districts and all of them follow a uniform process of production and rely on foreign market for selling their goods and so the industry in this region should be taken as a whole and any departure therefrom in any unit would adversely affect the other units.

(b) The Kerala Government fixed the rates of minimum wages in the cashew industry with effect from 15th June 1960 and also Dearness Allowance in a sliding scale.

(c) The Mysore Government fixed the minimum rates of wages without any Dearness Allowance with effect from 18th July 1960.

(d) The workmen in Mangalore are paid an all inclusive rate while those in the other region are paid a basic wage and variable rates of dearness allowance.

(e) The cost of living has gone on increasing every year. In those circumstances, he submitted that having regard to the uniform nature of the industry located in a single geographically compact region namely from Mangalore to Trivandram, the overall cost of labour should be uniform for the purpose of eliminating the incidence of cost differentiation so that those Units which pay higher rate of wages might not be at a disadvantageous position and that the workmen in Mangalore should be paid at least as much as the workmen in Kerala are paid under Kerala Government Notification dated 26th April 1960.

12. Sri Shenoi, Sri Sashidhar Rao and Sri Sadanand Pai for the Managements vehimently opposed the claim made by the workmen and countered as follows:—

(a) The wages paid to workmen at Quilon in Kerala State were always at a higher rate than those paid to workmen at Mangalore.

(b) The Mysore Government had the said fact in view when it issued the notification fixing the rates of minimum wages for the workmen of the industry in the State.

(c) The efficiency of a Quilon worker is higher than that of Mangalore worker.

(d) In case the present rate is increased, the industry will have no capacity to pay.

13. As the wage structure is to be based on the principles of fair wages as setforth in the Report of the Committee on Fair wages, I am reproducing the following extracts therefrom :—

(a) "We consider that a minimum wage must provide not merely for the bare sustenance of life but for the preservation of the efficiency of the worker. For this purpose the minimum must also provide for some measure of education, medical requirements and amenities."

(b) "It will be seen from this summary of the concept of the living wage held in various parts of the World that there is general agreement that the living wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter but a measure of frugal comfort including education for his children, protection against ill-health, requirements of essential social needs and a measure of insurance against the more important misfortunes including old age."

(c) "The attainment of living age is therefore our objective too but nevertheless it is the duty of this Committee to examine how far present day circumstances permit us to approach this living wage and how a wage that might be considered fair could be fixed having regard to the many limitation that prevent the immediate attainment of the objective. On one point there is complete unanimity of opinion *viz.*, that the fair wage should on no account be less than the minimum wage."

(d) "While the lower limit of the fair wage must obviously be the minimum wage, the upper limit is equally set by what may broadly be called the capacity of the industry to pay. This will depend not only on the present economic position of the industry but on its future prospects. Between these two limits the actual wages will depend on a consideration of the following factors and in the light of comments given below :—

(i) the productivity of labour ;

(ii) the prevailing rates of wages in the same or of similar occupation in the same or neighbouring localities ;

(iii) the level of national income and its distribution ; and

(iv) the place of the industry in the economy of the country.

(e) "As regards the measure of the capacity, the committee consider that in this context the main objective of the fixation of fair wages should not be lost sight of. The objetive is not merelyto determine the wages which are fair in the abstract, but to see that employment at existing levels is not only maintaned but if possible increased. From this point of view it will be clear that the level of wages should enable the industry to maintain production with efficiency, the capacity of industry to pay should therefore be assessed by the wage boards in the light of this important consideration, the Wage Boards should also be charged with the duty of seeing that fair wages so fixed for any particular industry are not very much out of line with wages in other industries in that region."

(*f*) " We are of the view that in determining the capacity of an industry to pay, it would be wrong to take the capacity of a particular unit or the capacity of all the industries in the country. The relevant criterion should be the capacity of a particular industry in a specified region and as far as possible, the same wages should be prescribed for all units of that industry in that region."

(*g*) " We feel that before a wage fixing machinery decides to make any allowance for benefits, statutory or otherwise, granted to workmen, it must examine the nature and extent of those benefits. Where a benefit goes directly to reduce the expenses of a worker on items of expenditure which are taken into account for the calculation of fair wages, it must necessarily be taken into account in fixing the actual fair wage payable.

(*h*) "The Committee decided that if the standard family was reckoned as one requiring three consumption Units and providing one earner the decision would be in accordance with the results of the family budget enquiries."

(*i*) "The Committee considered that in fixing of Wage differentials, the following factors should be taken into account:—

(1) degree of skill,
(2) the strain of work,
(3) the experience involved,

(4) the training required,
(5) the responsibility undertaken
(6) the mental and physical requirements
(7) the disagreeableness of the task
(8) the hazard attendant on the work
(9) the fatigue involved.

14. In Express News Papers (P) Ltd.-*Vs*-Union of India, reported in 1961 I LLJ 339, the Supreme Court of India has generally accepted the general principles laid down by the Fair Wage Committee Report on the question of 'Minimum Wage', 'Fair Wage' and 'Living Wage'. The Court held that the content of the expressions of 'minimum wage', 'fair wage' and 'living wage' is not fixed or static. It varies and bound to vary from time to time. With the growth and development of national economy, living standards would improve and so our notions about the respective categories of wages expand and be more progressive. It must, however, be remembered that whereas bare minimum or subsistence wage would have to be fixed irrespective of the capacity of the industry to pay, the minimum wage thus contemplated postulates the capacity of the industry to pay and no fixation of wages which ignores this essential factor of the capacity of the industry to pay could ever be supported. The Supreme Court has further laid down the following principles of fixation of rates of wages:—

(i) that in the fixation of rates of wages which includes within its compass, the fixation of scales of wages also, the capacity of the industry to pay is one of the essential circumstances to be taken into consideration except in cases of bare subsistence or minimum wage where the employer is bound to pay the same irrespective of such capacity.

(ii) that the capacity of the industry to pay is to be considered on an industry-*cum*-region basis after taking a fair cross section of the industry.

(iii) that the proper measure for gauging the capacity of the industry to pay should take into account the elasticity of the demand for the product, the possibility of tightening up the organisation so that the industry could pay higher wages without difficulty and the possibility of increase in the efficiency of the lowest paid workers resulting in increase in production consi-

dered in conjunction with the elasticity of the demand for the product—no doubt againts the ultimate background that the burden of increased rate should not be such as to drive the employer out of business.

15. In William Sons *Vs* its workmen reported in 1962 (i) LLJ 302, the Supreme Court held that it is well settled that in constructing a wage structure with a scale of increment, industrial adjudication has to take a long range view and it has to examine very carefully the impact of the wage structure on the financial position of the concern in question. Further in considering the question of comparable concerns, the tribunal should bear in mind all relevant facts in relation to the problem. The extent of business carried on by the concerns, the capital invested by them, the profits made by them, the nature of the business carried on by them, their standing, the strength of the labour force, the presence or absence of reserves, the dividends declared by them and the prospects about the future of the business-there and other relevant facts have to be borne in mind.

16. The workmen of Hindustan Motors *Vs* Hindustan Motors and another reported in 1962 (2) LLJ 352, the Supreme Court has held that there can be no doubt that it is ordinarily desirable to have as much uniformity as possible in the wage scales of different concerns of the same region. It may not always be possible to attain this object because of the different financial capacities of different concerns. Wherever there is no such obstacle present, the industrial adjudication always tries to secure the same wage rates for the different concerns in the same industry in the same region. On the one hand this tends to the maintenance of industrial peace in the entire region and on the other it puts the different companies of the industry on more or less equal footing in their production struggle.

17. In French Motor Car Company Ltd., *Vs* their workmen reported in 1962 (2) LLJ 744, the Supreme Court held that it is now well settled that the principle of industry-*cum*-region has to be applied by an industrial court when it proceeds to consider questions like wage structure, dearness allowance and similar conditions of service. In applying that principle Industrial Courts have to compare wage scales prevailing in similar concerns in the region with which it is dealing and generally speaking similar concerns would be those in the same line of business as the concerns with respect to which the dispute is under consideration.

18. In Greaves Cotton and Co., Ltd., *Vs* their workmen, the Supreme Court held that the basis of fixation of wages and dearness allowance is industry-*cum*-region. Where there are a large number of industrial concerns of the same kind in the same region, it would be proper to put greater emphasis on the industry part of the industry-*cum*-region principle as that would put all concerns on more or less equal footing in the matter of production costs and therefore in the matter of competition in the market.

19. Now bearing in mind the principles laid down by the Fair Wage Committee Report as well as those laid down by the Supreme Court in the several cases referred to above as regards the basis for fixing the wages and dearness allowance, I shall proceed to examine the evidence, both oral and documentary produced by the parties:—In order to show that the Cashew industry in India is confined mostly to the West Coast within an area between Mangalore and Trivandrum and that entire area should be considered as one region, the workmen relied upon the Report on the Enquiry into conditions of labour in the Cashewnut Processing industry in India, marked Ext. W8. This Report was published by the Labour Bureau, Ministry of Labour in 1954. This shows that in India Cashewnut Factories are located in the Ratnagiri District of Bombay State, in the districts of South Canara, Malabar, Guntur, East Godavari and Srikakulam in Madras and in Travancore Cochin. There are four main regions in which the industry is located. In region No. III in the then Composite State of Madras, are to be found the South Kanara District and Malabar. In Region No. IV in the then State of Travancore Cochin are to be found Quilon and Trichur. There were 12 factories in South Kanara and Malabar and 156 in Quilon and Trichur. Ext. W10 is the copy of the Statistical Supplement to the Fort St. George Gazette dated July 4, 1956 showing the cost of living index numbers applicable to employees in the employments under the Minimum Wages Act, 1948 (Central Act XI of 1948) in the different Moffussil centres for the month of May 1956 as ascertained and declared by the Director of Statistics under Section 2(d) of that Act. It shows that Malabar and South Kanara Districts are included in Khozikode Centre for the purpose of determining the cost of living index. As a matter of fact M/s. Peirce Leslie and Co, have given effect to this and paid dearness allowance to its employees at Mangalore on the basis of cost of living index at Calicut. Ext. W13 is the copy of the Memorandum of Settlement between the Management of M/s. Peirce Leslie and Co., Ltd. and its Clerical and Subordinate Staff in all its branches

and factories. The Management has agreed to pay variable dearness allowance to the Clerical staff at the rate of 25 paise per point over 400 in the appropriate gazetted cost of living index figure for the previous month but one. For Mangalore employees, the cost of living index of Khozikode is taken into consideration for payment of variable dearness allowance. The raw cashew nuts are imported by all the Cashew industries in South Kanara and Kerala from the same source, namely Africa and more than 85 per cent of the production on the West Coast is exported to foreign countries. The processing of cashew nuts into Kernals is done in several stages *viz.*, roasting, shelling, peeling and finally grading. This process is the same in all the factories of South Kanara and Kerala. On a careful consideration of all the relevant factors, I have no hesitation to agree with the contention of Sri Shantharam Pai that for purpose of wage fixation in cashew industry the West Coast within the area between Mangalore and Trivandrum should be considered to be in one region. Fair Wages should be determined on the industry-*cum*-region basis. The relevant criterion should be the capacity of a particular industry in a specified region and as far as possible, the same wages should be prescribed for all units of that industry in that region. It will obviously not be possible for the wage fixing authority to measure the capacity of each of the units of an industry in a region and the only practicable method is to take a fair cross section of that industry. In the instant case, what is the evidence? The Shellers and Peelers of the Cashew Factories in Mangalore are now demanding 12 paise per pound of Kernal delivered at the weighing machine, for peeling pieces at 6 nP. per pound, roasting nut and distributors claim Rs. 2 per day and daily-rated workers demand a wage increase of 50 nP. over the existing wage rate subject to a minimum of Rs. 3 per day, Graders at Rs. 2 per day and all the workers besides should be paid dearness allowance of Rs. 15 per month or 50 nP. per day. The Managements have contended that the wages now paid are fair and adequate and do not require any revision and that with the increase in various taxes and the introduction of the Employees' State Insurance Scheme along with Emergency Risks Insurance of Factories and Goods, it has become increasingly difficult for them to carry on the industry without suffering loss. According to Kerala Government Notification dated 26th April 1960, Ext. W1, the minimum wages for employment in Cashew industry is specified in the Schedule thereto. The above wages are fixed in relation to an index number of 400 in the Quilon cost of living index. The workers are paid in

addition to the above wages a dearness allowance calculated at the rate of 1 nP. per day for every 3 full points in the cost of living index of Quilon in excess of 400. In the case of monthly rated workers, the rate shall be 25 nP. per month for every three points in excess of 400. The rate of dearness allowance payable each year beginning from 1st of January shall be based on the average of the index number of Quilon for the preceding twelve months ending 31st October. The rate so arrived at shall remain constant for the whole of that calendar year. The average index for the 12 months ending 31st October 1959 being 450, the dearness allowance payable in the year 1960 shall be 16 nP. per day and Rs. 4 per month for adults. But the Government of Mysore, in their Notification dated 16th July 1960, Ext. M 5 fixed the minimum rates of wages specified in the schedule thereto as payable to each class of employees employed in the Cashew Industry in the State. It is seen therefrom that minimum piece rates for shelling and peeling and the minimum time-rates for other workers are slightly lower than those prescribed by Kerala Government. Above all, the Government of Mysore have not provided for payment of dearness allowance as was done by the Kerala Government. It is an undisputed fact that the cost of living has gone on increasing year by year, throughout India particularly in Mysore State as seen from Ext. W7 (a). In 1960, the annual average cost of living index was 446.73. It was 457.93 in 1961; 457.38 in 1962, 463.77 in 1963. It must therefore be said that there is reasonable justification for the workmen of Cashew Industry in this region to demand a revision of the wages. To what extent the wages should be increased? To what extent the industry will have capacity to bear the increase financial burden by reason of increase in the wages? According to M.W. 1 Mizar Govinda Annappa Pai, the Proprietor of M/s. M.G.A. Pai & Sons., one of the Managements in the case, the cashew industry in Mangalore is a seasonal industry, that there is work for eight months in a year, that the workers are drawn from agricultural class and in the absence of work in the cashew factories, they go for work in other factories like cardamom, coffee curing and areca curing works and further, workers in Shelling and Peeling Departments in Quilon are more efficient and skillful than those in Mangalore. It is said that in Quilon, the workers peel the Kernals with their fingers and that peeling with fingers does make it painfull and that on that account, the labourers at that place are paid more than the workers in other factories at Mangalore where the peeling is done with the help of a knife and as the knife is

sharp, while peeling the body of kernal is scrapped resulting in powder. It is further stated that the Port of Mangalore is closed for traffic for 4 or 5 months during monsoon, that at the time of the import and export traffic has got to be routed through Cochin in Kerala and that this adds considerably to the cost of transport particularly because both import and export is necessary in the case of cashew industry since cashewnuts locally procured are insufficient to meet the demands. It is said that in respect of both the process of import and export, the industry in Mangalore has got to pay heavy extra transport charges which are saved in respect of this industry in the Kerala State. Of course, all these factors will have to be borne in mind while fixing the fair wages to the workmen of the Cashew industry in Mangalore. It is admitted that the number of workmen employed in Messrs. Peirce Leslie & Co, Ltd., is 3,600; in M/s. M.G.A. Pai & Sons., 1,200: in M/s. Fernandes Brothers 1,000; in M/s. Swasti Cashew Industries (P) Ltd., 800; in Yeknath Cashew Industries 100, in all about 7,350. M/s Peirce Leslie & Co, Ltd., M/s. U. N. Mallya & Sons., and Yeknath Cashew Industries have not filed their statements of accounts though they employe a labour force of 4,355 which is 60 per cent of the total labour force. No satisfactory reason is given for not doing so. It is not their case that they have not maintained accounts or that the account books are destroyed. If a party supresses his accounts, the court will presume everything most unfavourable to him consistent with the established facts. No party should be allowed to take advantage of an abstract doctrine as of burden of proof and conceal from the court the evidence in its own possession which would assist the court in arriving at a correct decision. Even in cases like this where it is for the workmen to prove that the industry has capacity to bear the burden of increased wages, a deliberate omission on the part of the aforesaid three concerns to produce their accounts books or to file the Balance Sheets and Profit and Loss accounts in their possession which would have at once disclosed to the tribunal whether the concerns are financially Sound, would entitle the tribunal to raise a presumption that the account books if produced would not support their case and would prove the case of the workmen. M.W. 5 Sujir Damoder Naik the Managing Director of Swasti Cashew Industries (P) Ltd., the Second Party Nnmber 1, has produced the audited Balance Sheet for the years 1957 to 1962, Exhibits M 28, M 29, M 30, M 31, M 32 and M 33. No doubt, in 1957 the concern has sustained a loss of Rs. 1,99,752 as seen in the Balance Sheet, Ext. M 28. But in 1958, it has

made a net profit of Rs. 74,193, in 1959 Rs. 17,200 in 1960 Rs. 1,42,725 in 1961 Rs. 75,525 and in 1962 Rs. 99,511 as per Exhibits M 30, M 31, M 32 and M 33 respectively. This concern has gone on paying bonus to its workmen in terms of an agreement. M/s. Mizar Govinda Annappa Pai and Sons., have made a net profit of Rs. 37,000 in 1960 and Rs. 5000 and odd in 1962 as seen in Exhibits M 6 (e) and M 6 (g). M/s. Fernandez Brothers have made a profit of Rs. 2,18,027 in 1957 as seen in Ext. M 17; Rs. 2,71,815 in 1958 as seen in Ext. M 16; Rs. 31,204 in 1959 as seen in Ext. M 15 Rs. 30,945 in 1960 as seen in Ext. M 13, Rs. 2,13,710 in 1961 as seen in Ext. M 14, Rs. 1,14,076 in 1962 as seen in Ext. M 12. It is this seen from the balance sheets produced by three of the concerns of the II Party that they are making steady progress year after year in their business. The Supreme Court has pointed out in Lipton Ltd., *vs* their employees that for determining the financial capacity of a concern to bear the burden of wage increase, the financial capacity as disclosed by trading results over a period of years must be considered. It was further stated that it cannot be said that fair wages must entirely be postponed till a fair return on capital is obtained. Wages are fixed on a long term basis and dependent on the cost of living and the needs of workmen. Ext. W 9 is an agreement dated 3rd April 1961 between the Management of M/s. Peirce Leslie & Co., Ltd., and the members of its monthly paid staff at all its branches and Factories in India. This settlement shows that even the unskilled workmen like Satchmen, Sweepers, Peons etc., are paid very high rate of fixed Dearness Allowance as well as variable dearness allowance at the rate of 0.25 paise per point over 400 in the appropriate gazetted cost of living index number for the previous month but one. The sweeper employed by this concern at Mangalore Cashew factory gets a basic wage of Rs. 27 per month in the first year of his service and a fixed dearness allowance of Rs. 45 for the cost of living index of 400 and a variable dearness allowance of 0.25 paise per point over 400. Unless this concern is very prosperous, it would not have paid such high rate of dearness allowance. The sweepers, peons and attendants of this factory at Mangalore get basic wages and dearness allowance according to the cost of living index for Calicut. The Supreme Court in Greaves Cotton & Co., *Vs* their workmen; reported in 1961 (I) LLJ 342, has re-stated that there should not be any difference in the dearness allowance scales of workmen who are paid almost the same rate of basic wages. It has further laid down that time has now come when employees getting same wages

should get the same dearness allowance irrespective of whether they are working as Clerks or members of subordinate staff or factory workmen. The pressure of high prices is the same on these various kinds of employees. Further, the subordinate staff and the factory workmen these days are as keen to educate their children as clerical staff and in the circumstances there should be no difference in the amount of dearness allowance between the employees of different kinds getting the same wages. Further, the employees, whether he is of one kind or other, getting the same wage, hopes for the same amenities of life and there is no reason why he should not get them though he may be coming from the same class of people as a member of the Clerical staff. In the instant case, having regard to the financial stability and ablity of a fair cross section of Cashew Industry in this region, I am of opinion that instead of increasing the wages to the several classes of employees either at the rates now demanded by the I Party Union or at any higher rate than the rate already prescribed by the Government of Mysore in their Notification dated 16th July 1960, Ext. M 5, payment of a fixed deareness allowance of eight annas to each of the workmen irrespective of the class to which he belongs, for each working day, would meet the ends of justice.

20. The next and the last question for consideration is whether a Gratuity Scheme should be introduced for the benefit of the workmen of the II Party Managements. The contention of the I Party Union is that the Cashew industry is a labour incentive industry requiring mainly manual labour, that there are workers who have put in long service in this industry and that they have got to go empty handed at the time of their retirement and therefore it is a fit case in which a Gratuity Scheme should be introduced with immediate effect entitling every worker to get a months' wage for every year of service at the time of his or her leaving the job or to his or her heirs after his or her death and this would not only ensure lasting peace but also improve the morale of the workers resulting in increased production and all round development in the industry. The Managements of the II Party resisted that demand on the ground that the financial capacity of the individual employer to stand the burden of a long term basis is wanting. It was also resisted on the ground that with the increase in the various taxes and the introduction of the Employees State Insurance Scheme along with Emergency Risks Insurance of Factories & Goods, and also introduction of Provident Fund Scheme, it has become increasingly difficult for the employers to carry on the industry without suffering losses. It is now well

that the workmen would be entitled to the benefit of Gratuity in addition to Provident Fund benefits if the employer has the financial capacity, *vide* Indian Oxygen and Acetylene Co., Ltd., Employees' Union *Vs* Indian Oxygen and Acetylene Co., Ltd., reported in 1956 (I) LLJ 435. The Supreme Court, in Bharathkhand Textile Manufacturing Co., Ltd., *Vs* Textile Labour Association, Ahmedabad, reported in 1960 (II) LLJ 21, has held that the existence of a Provident Fund Scheme benefit to the workmen is no bar against the employees claim for additional retirement benefit from the employer. In considering the question of capacity to bear the extra burden of Gratuity Scheme, the Labour Appellat Tribunal in Indian Oxygen and Acetylene Co. Employees' Union *Vs* Indian Oxygen and Acetylene Co., Ltd., already referred to, has held that what is to be taken into consideration is the general financial stability of the concern and the broad aspects of the financial capacity of the concern including its profit earning capacity, the profits earned in the past, reserves available etc, and not an application of the Labour Appellate Tribunal formula for bonus. This view had been cited with approval by the Supreme Court in Express Newspapers (P) Ltd., and another *Vs* Union of India and others, reported in 1961 (1) LIJ 339, as well as in Bharathkhand Textile Manufacturing Co., Ltd., *Vs* Textile Labour Association, Ahmedabad, reported in 1960 (II) LLJ 21. In the present case, the I Party Union has not placed any material before this tribunal about the reserves, the possibility of replinishing the reserves if occasion arises, which the industry has. The profit earning capacity profits and earned in the past by the Managements of the II Party concerns as could be seen from the Profit and Loss Account and the Balance Sheets, in my opinion, do not warrant the conclusion that the concerns have the financial stability for the introduction of a long term scheme like the one for Gratuity. I am therefore, of opinion that the I Party Union is not entitled to insist upon the introduction of a Gratuity Scheme.

21. For these reasons, I make an award directing the Managements of the II Party to pay a Dearness Allowance of 0.50 paise to each of their workmen irrespective of the class to which he belongs, for each working day, in additon to the minimum wages prescribed by the Government of Mysore in their Notification No. LLH 139 LMW 59 (1), dated 16th July 1960 Each party to bear its own costs.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.

APPENDIX – A

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963.

Workmen of six Cashew Factories of Mangalore.
... *I Party*

The Management of six Cashew Factories of Mangalore.
.. *II Party*

List of Witnesses Examined by the I Party

W.W. 1 Smt. A. Janamma
W.W. 2 Sri P. V. Kunhiraman
W.W. 3 Sri P. Koru
W.W. 4 Sri J. Gopalakrishna
W.W. 5 Sri Gangiah
W.W. 6 Sri K. Narayana
W.W. 7 Smt. Janaki
W.W. 8 Sri Shivananda Kamath
W.W. 9 Smt. Puttamma
W.W. 10 Smt. Kamala
W.W. 11 Sri Veerappa
W.W. 12 Sri N. Umanath Nayak

List of Witnesses Examined by the II Party

M.W. 1 Sri Mizar Govinda Pai
M.W. 2 Sri Sadananda Pai
M.W. 3 Sri U. Ramakrishna Mallya
M.W. 4 Sri G. Fernandez
M.W. 5 Sri Sujir Damodar Naik
M.W. 6 Sri K. C. Nair

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal,
Bangalore.

APPENDIX B

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963.

The Workmen of the six Cashew Factories of South Kanara District.

I Party.

Vs

The Management of six Cashew Factories of South Kanara District.

II Party

List of Documents Exhibited by the *I Party*.

Exhibit No.	Particulars of the document
. 1	Kerala Government Notification dated 26th April 1960 fixing minimum wages for the cashew industry.
W. 2	Printed copy of the above in the Kerala Gazette-Part I
W. 3	True copy of a Notice dated 27th August 1964 of M/s. Peirce Leslie & Co., fixing the rate of D. A. to daily rated and monthly rated employees.
W. 4	Memorandum of Settlement dated 1st May 1956 between the workmen and the Management of Vamally Coffee Curing Works.
W. 5	Printed Award in I. D. No. 20 of 1963 dated 29th November 1963 Memorandum of Settlement dated 21st November 1963 in I. D. No. 20/63 between the workmen and the Managements of Five Cashew & Coffee Factories.
W. 6	Provident Fund Account of one employee of Swasti Cashew Industries.
W. 7(*a*)	Mangalore Consumer Price Index from 1960 to 1964.
W. 7(*b*)	Mysore Cost of Living Index from 1960 to 1964.
W. 7(*c*)	Kozikoe Cost of Living Index from 1960 to 1964.

W. 8 Report of conditions of Labour in the Cashew Industries Government of India.

W. 9 Settlement dated 3rd April 1961 between M/s. Peirce Leslie & Co. Ltd., and the monthly paid staff of the above Company in all its Branches and Factories in India.

W. 10 Statistical supplement of Fort St. George Gazette, Madras dated 4th July 1956.

W. 11 Award of Industrial Tribunal, Coimbatore.

W. 12 Award of the Industrial Tribunal, Coimbatore published in Fort St. George Gazette, Madras.

W. 13 True Copy of the Memorandum of Settlement of M/s. Peirce Leslie & Co., Ltd. and the Clerical and subordinate staff (monthly paid employees) of the above Company in all its Branches and Factories.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal.
Bangalore.

APPENDIX-C

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 15 of 1963

Workmen of six Cashew Factories of Mangalore,
South Kanara District.
... *I Party*

Vs.

Management of six Cashew Factories of Mangalore,
South Kanara District.
... *II Party*

List of Documents Exhibited by the II Party.

Exhibit No.	Particulars of the documents
M. 1	Decision of the Committee dated 30th November 1954 in the matter of the dispute between the Managements and Workers of Cashew nut Factories of M/s. Narayana Mallya & Sons & M. Govinda Pai & Sons, Mangalore.
M. 2	Affidavit of Mizar Govinda Pai.
M. 3	Copy of draft Notification dated 14th May 1960 fixing the Minimum rates of wages in the cashew industry.
. 4	Copy of letter dated 6th July 1960 addressed to the Secretary to Government, Mysore, L. S. G.
1 . 5	Copy of Notification dated 6th July 1960 fixing the minimum rates of wages with effect from 18th July 1960
M. 6(a)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1956.
M. 6(b)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1957.
M. 6(c)	Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1958.

M. 6(d) Copy of Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1959.

M. 6(e) Copy of Profit and Loss Account and Balance Sheet of M. G. A. Pai for the year ending 31st December 1960.

M. 6(f) Copy of Trading and Profit and Loss Account and Balance Sheet for the year ending 31st December 1961 of M. G. A. and Sons.

M. 6(g) Copy of Trading and Profit and Loss Account and Balance Sheet of M. G. A. Pai and Sons, for the year ending 31st December 1962.

M. 7 Letter dated 15th May 1964 of Johannes Stut, Humbarg *re*: quotations and grades.

M. 8 Letter dated 2nd September 1964 of Corneille Vafiade's *re*: settlement of Bills.

M. 9 Tanganiyaka Standard dated 12th September 1964.

M. 10 Production figures showing the production and export of cashew kornals and cashew shall Liquid.

M. 11 Balance Sheets and Trading Accounts for 1957 to 1962 of Fernandez Bros.

M. 12 Manufacturing Account for the year 31st December 1962 of Fernandez Bros.

M. 13 Manufacturing Account for the year 31st December 1960 of Fernandez Bros.

M. 14 Manufacturing Account for the year 31st December 1961 of Fernandez Bros.

M. 15 Manufacturing Account for the year 31st December 1959 of Fernandez Bros.

M. 16 Manufacturing Account for the year 31st December 1958 of Fernandez Bros.

M. 17 Manufacturing Account for the year 31st December 1957 of Fernandez Bros.

M. 18 Out-turn statement of shelling and peeling for January and February 1964.

M. 19 Provident Fund Contribution statement for the year 1963 of Fernandez Bros.

M. 20 Statement chowing list of workers earning more than 300 per annum for 1963 of Fernandez Bros. in Peeling Department.

M. 21 Statement showing list of workers earning more than 300 per annum for 1963 of Fernandez Bros. in Shelling Department.

M. 22 Statement showing the average wages earned by the workers in 1962 Fernandez Bros.

M. 23 Statement showing the Breakages Figures of Annual Income of Fernandez Bros. for 1963.

M. 24 Copy of Inaugural speech of Sri V. V. Giri, Governor of Kerala at the Seminar on 22nd September 1964.

M. 25 Statistics showing the shipment of cashew kernals for 1960-63.

M. 26 Letter dated 4th February 1964.

M. 27 Balance Sheet as at 31st December 1963 of M. G. A. Pai.

M. 28 Balance Sheet of Swastic Cashew Works.

M. 29 Trading and Profit and Loss Account for the year ended 31st December 1958 of Swasti Cashew Industries Ltd., Mangalore.

. 30 Do Do 1959.

M. 31 Do Do 1960.

M. 32 Do Do 1961.

M. 33 Do Do 1962.

34 Statement showing the number of working days of Swasti Cashew Industries (P) Ltd., at Korchendy for the years 1957-1962.

M. 35 Statement showing the total peeled wholes and peeled pieces and corresponding wages paid in the months of November and December 1963 in Swasti Cashew Industries (P) Ltd., Mangalore.

. 36 Statement showing the total shelled wholes and pieces in lbs and the wages paid in the months of November and December 1963.

. 37 The number of bags processed in shelling and Peeling Department.

M. 38 Copy of the agreement entered into between the workmen and the Management dated 6th June 1963.

M. 39 Information regarding wages and processing methods in Hindustan Cashew Products (P) Ltd., Quilon.

M. 40 Quantum of work in Garding Department in Hindustan Cashew Products (P) Ltd., Quilon.

M. 41 Statement showing the comparative out-turn and the corresponding difference in many value between the processing work at Mangalore and Quilon in respect of Malabar Raw Cashewnuts based on out-turn statements Swasti Cashew Industries (P) Ltd. and Hindustan Cashew Products., Quilon.

M. 42 Letter No. 1981/64-65 dated 25th September 64 from Hindustan Cashew Products (P) Ltd., enclosing some daily statements of Kayamkulam factory.

M. 42(a) Statement of Kayamkulam Factory, Tellicherry.

M. 42(b) Do Do Hindustan Cashew Products (P) Ltd., Quilon.

M. 43 Daily Statement of Swasti Cashew Industries (P) Ltd., Roasting and Shelling.

M. 44 Award of the Industrial Tribunal of Ten cashew factories (I. D. No. 35 of 1960).

M. 45 Award of the Labour Court, Hubli, between the workmen and the Management of M. G. A. Pai & Sons and the Management of M: G. A. Pai & Sons and Swasti Cashew Industries (P) Ltd.

M. 46 Categorisation of the workers in Peirce Leslie & Co., under the Mysore Minimum wage Notification.

M. 47 Copy of letter dated 5th August 1960 from the Management of Peirce Leslie & Co., Ltd., -re : Minimum wages.

M. 48 Check roll strenth as on 30th June 1964 in Shelling, Peeling, Grading, Yard, Roasting and Canteen of Mangalore Factories.

M. 49 Statement showing the maximum earnings per day in shelling and in peeling per day.

M. 50 Affidvat of Sri Damodar Nayak.

M. 51 Statement showing the employers Contributions towards P. F., E. S, I. and National Festival Holidays of Swasti Cashew Industries (P) Ltd.

M. 52 Invoice dated 16th December 64 of Dares Salaam, Tanganiyaka Rao Cashewnuts.

R. KRISHNA SETTY,
Presiding Officer,
Industrial Tribunal,
Bangalore

ORDER.

Bangalore, dated the 16th June 1965.

S.O. 2808.—WHEREAS by State Government Order No. PLM 205 LLD 63, dated 29th May 1963, the Industrial Dispute between the Workmen and the Management of Six Cashew Industries, Mangalore was referred to the Industrial Tribunal, Bangalore for adjudication

AND, WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 205 LLD 63(ii)].

By Order and in the name of the Governor of Mysore,

349 K. M. SOMASHEKAR, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 6th July 1965.

G. S. R. 597.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following rules, namely :—

1. Title and commencement.—(1) These rules may be called the Mysore Civil Services (Confidential Reports) Rules, 1965.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

(1) "Chief Secretary" means the Chief Secretary to the Government of Mysore ;

(2) "Form" means a Form appended to these rules ;

(3) "Gazetted Officer" means an Officer of State Civil Services Class I or Class II ;

(4) "Head of Department" in respect of Presiding Officers of Courts in the Mysore Judicial Service means the Chief Justice of the High Court of Mysore ;

(5) "Non-Gazetted Officer" means an Officer of the State Civil Services Class III.

3. Annual Confidential Reports.—In respect of every Gazetted and non-Gazetted Officer an Annual Confidential Report shall be recorded assessing as correctly as possible such officer's physical, mental and moral suitability for his office and for promotion, his ability to apply intelligently the law and procedure prescribed to cases coming before him, his treatment of his subordinates and behaviour to his superiors and colleagues in other departments and his relations with the public.

4. Period of Report.—(1) The Confidential Report in respect of a Gazetted Officer shall be recorded in Form A and of a non-Gazetted Officer in Form B, covering the period of his service from the 1st January to the 31st December every year :

Provided that during the first three years of service of an officer, a Confidential Report shall be recorded covering the period of service every six months.

5. Preparation and transmission of Reports.—The following provisions shall be applicable in respect of the preparation and transmission of Confidential Reports, namely :—

(*a*) The report shall be written or typed by the officer preparing the report. To facilitate identification, the name of the officer recording the report shall be written in block letters below his signature and his designation also indicated.

(*b*) The name and designation of the officer in respect of whom the report is recorded shall be specified in full and in the same manner as shown in the Civil List or the Service Book.

(*c*) The report shall, unless otherwise prescribed, be made in the first instance by the officer under whose administrative control the officer in respect of whom the report is recorded is working and passed on to the next higher officer who shall add his remarks, if any, before passing it on. If the officer through whom a report passes has no knowledge of the work of the officer reported upon, he shall record a statement accordingly.

(*d*) An officer preparing a Confidential Report shall record all relevant observations and opinions which he might have formed, which shall be a frank and full appraisal of the officer's merits and demerits giving as far as possible specific instances or reasons for the particular opinions he has expressed. A report shall be prepared with the greatest caution and no record or remarks shall be made lightly on the spur of the moment or based on prejudice.

(*e*) (i) In the case of non-Gazetted Officers, the report shall be recorded by the Head of the Office.

(ii) In the case of Gazetted Officers other than officers referred to in clauses (iii) and (iv), the report shall be prepared in duplicate and transmitted through the usual channels to Government. After the Minister-in-charge has seen the report and add his remarks, if any, one copy shall be retained in the Secretariat and the duplicate returned to the Head of the Department for record.

(iii) Reports in respect of Secretaries to Government shall be prepared by the Chief Secretary and in the case of Heads of Departments by the Secretary of the Department concerned (or, where he is junior to the Head of the Department, by the Chief Secretary) and submitted to the Chief Minister through the Ministers of all the Departments with whom the Secretary/Head of Department is concerned.

(iv) In the case of officers of the Mysore Judicial Service, other than District Judges, the report shall be prepared in duplicate and transmitted through the High Court and the Chief Secretary to the Governor. In the case of District Judges the report shall be prepared in duplicate and the original transmitted by the Head of the Department to the Governor through the Chief Secretary.

(*f*) Whenever an officer is transferred in the middle of a year, a report shall be prepared unless the transfer is

within the first three months of the succeeding year, and forwarded to the officer under whose administrative control the officer is transferred, to be completed at the end of the year.

(*g*) (i) Divisional Commissioners and Project Executive Officers may, in respect of any officer working in the areas under their control, prepare a note indicating their opinions as to the manner in which the officer has conducted himself during the course of the year and forward the report to the Head of the Office in case of non-Gazetted Officers and to the Head of the Department in case of Gazetted Officers, and the Head of the Office or the Head of the Department shall forward such reports along with the Annual Confidential Reports of the officers concerned. Such reports shall form part of the Confidential Record of the officer concerned

(ii) Copies of notes made by the Judges of the High Court during the inspection of subordinate Courts indicating their opinions as to the manner in which the presiding officers of such Courts have conducted themselves and of observations made in judgments or orders of the High Court as regards the work of presiding officers of Courts shall be forwarded to the Governor along with the Annual Confidential Reports of the officers concerned. Such notes and observations shall form part of the Confidential Record of the officer concerned.

6. Particulars in a Confidential Record.—The first page of the Confidential Record of every officer shall be in Form 'C' and the particulars mentioned therein shall be filled at the time the first report is prepared, the entries being altered from time to time when necessary.

7. Punishments.—The penalty of censure imposed on an officer or orders regarding any other disciplinary action

shall not be recorded in the Annual Confidential Reports, but a copy of the letter or order imposing censure or other punishment shall be included in the officer's Confidential Report File.

8. Communication of Remarks.—(1) All adverse remarks whether through an ordinary or special report shall be communicated to the officer concerned, unless the adverse remarks are of such a nature that the communication thereof is unlikely to result in the remedy of the defect or is considered inadvisable for any other reason. While communicating an adverse remark, the name of the officer recording the adverse remark shall not be communicated to the officer reported upon. Where a report shows that an officer has made successful efforts to remedy defects to which his attention has been drawn previously, it shall be communicated to him.

(2) When an officer has done outstanding work in the course of a year and earned appreciation, it shall be communicated to him.

(3) The fact of communication of remarks under sub-rule (1) or (2) and the manner of communication shall be recorded in the confidential file.

(4) The responsiblity of communication shall be:—

(*a*) in respect of Secretaries and Heads of Departments, on the Chief Secretary;

(*b*) in respect of officers of the Mysore Judicial Service, on the Head of the Department;

(*c*) in respect of other Gazetted Officers, on the Secretary to the Government in the Department concerned;

(*d*) in respect of others, on the Head of the Office.

9. No appeal against remarks in reports.—No appeal shall lie against adverse remarks made in the Annual Confidential Reports.

10. Special Reports.—(1) Special Reports may be called for at any time on the work of any officer by the Governor or the State Government. Such reports shall be prepared and sent through the appropriate channels and shall be confined to the question or questions raised.

(2) A superior officer may, at any time of his own accord, forward a report on an officer working under him, should he consider that the conduct of an officer makes such action necessary. Such reports shall also be submitted through the appropriate channels.

(3) Any special reports about an officer's fitness for promotion or about his conduct may be included in the Confidential Report at the discretion of the officer or authority in whose custody the confidential file is kept.

11. Date of submission.—The first reporting officer shall forward the report by the 1st February following the year of report, and the successive authorities shall pass on the report with their remarks to the next higher authority within one week of its receipt by them.

12. Register to watch disposal of Reports.—A register in Form D shall be maintained by all Heads of Offices, Secretaries to Government, the Chief Secretary and the High Court to watch the timely receipt of Confidential Reports and their final disposal by the prescribed dates.

13. Previous Reports in respect of Officers of the Mysore Judicial Service.—Copies of annual and other Confidential Reports in respect of Officers of the Mysore Judicial Service prepared before the date of commencement of these rules shall be sent by the High Court to the Governor within a period of one month from such date.

14. Repeal.—Government Order No. OSD 13 OMP 57, dated the 13th July 1957, in so far as it relates to officers to whom these rules are applicable, is hereby repealed.

FORM 'A'

(*See* Rule 2)

GOVERNMENT OF MYSORE

Annual Confidential Report on Gazetted Officers for the year 19

Date of birth.....

1 Name of officer ... ...

2 Appointments held during the year (with dates) and pay and scale of pay ...

3 General qualifications and aptitude for post held including any special or technical and professional attainments ...

4 Manner in which the officer discharged his duties during the year, *i.e.*, if satisfactory or otherwise (specific instances of unsatisfactory work if adversely commented on to be cited with number and date of orders passed or communication made).

5 Does the officer exhibit :—

(a) Patience ... ...

(b) Tact ... ...

(c) Courtesy ... ...

(d) Impartiality in his relations with the public and subordinates with whom he comes in contact ? ... ...

6 Matters of official and public interest in which the officer has specialised himself or takes special interest... ...

7 General remarks* ... ..

8 Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointments in the service ?

Reporting Officer

Name..... ....

Designation.....

General

Opinion of Head of Department (when not Reporting Officer) on conduct and efficiency of officer reported on.

Head of Department.

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* The Reporting Officer should give his opinion and impressions in a concise narrative form so as to cover the officer's knowledge o procedure and departmental technique, his habits, integrity, fidelity and moral standards and on any matter bearing on his efficiency and usefulness as an officer.

FORM 'B'

(*See* rule 2)

GOVERNMENT OF MYSORE

(.....Department).

Annual Confidential Report on Non-Gazetted Officers
for the year 19 .

Name.....Rank.....
Appointment held.....Date of :—(*a*) Birth.....
(*b*) Entry to Government Service.....Present Grade.....

SECTION I

Performance of duties in present grade

1	Knowledge—	
	(*a*) of work of post held	...
	(*b*) of Branch or Section	...
	(*c*) of Department	...
2	Personality and Character	...
3	Judgement	...
4	Power of taking responsibility	...
5	Initiative	...
6	Accuracy	...
7	Promptness	...
8	Address and tact	...
9	Power of supervising staff	...
10	Zeal and industry	...
11	Health	...
12	Attendance	...
13	Official Conduct (Discipline)	...
14	Fitness to hold the present post, including in respect of ministerial staff, his capacity to note/draft	...
15	General remarks (including a statement on integrity and reliability and a note of any special qualifications not included above)	...

SECTION II

Degree of Fitness for Promotion

Delete all but one of the following :—

Exceptionally well—qualified/Highly qualified/Qualified/Not yet qualified.

Remarks—

Signature of Reporting Officer.

Date.....

Rank..... .....

Remarks by Countersigning Officer.

Signature of Head of Department.

Date..... ... ...

NOTES

(SECTION I)

Note (1).—Insert in this column A, B, C, D or E, against each item to the following appraisement :—

A. Outstanding

B. Very good.

C. Satisfactory.

D. Indifferent.

E. Poor.

Note (2).—An 'A' or 'B' marking is inappropriate to items 12 and 13.

Note (3).—This report is to be regarded as confidential ; but D and E markings against any item must be communicated to the officer concerned, except in the following circumstances :—

(i) Where the marking is due to inexperience owing to less than one year's service in the grade (except in cases of unsatisfactory conduct, laziness, etc.)

(ii) Where the weakness has already been notified and it is clear that no useful purpose can be served by repeated notifications, in such cases the officer should be advised of the proposal to discontinue future notifications to the same effect as those he has previously made. Any change, for better or worse, should be notified to the officer.

SECTION II

Note (4).—The estimate of fitness for promotion should be related to the officer's capacity, for the performance of the duties of the grade above. If he is marked "Exceptionally well qualified" or "Not yet qualified", the reasons for the marking should be stated · and in general, Reporting Officers should make the fullest use of the "Remarks" space.

General

Notes (5).—Every effort should be made to arrive at a just estimate of the qualities of the officer at the time the report is made. Reporting Officers should rely on their own judgment and experience, and the current report should be written, in the first place, without reference to the previous reports. Thereafter the previous reports may be referred to, to the extent of either contradicting or lessening the effect of the adverse remarks made in the previous years' Confidential Reports.

FORM 'C'

(*See* Rule 6)

(Details to be Given on the first page of every Confidential Report)

(1) (*a*) Name ...
(*b*) Father's name (Husband's name, in case of married woman).
(2) (*a*) Date of birth ...
(*b*) Place of birth –Village and District.
(3) Nationality ...
(4) (*a*) Home Address ...
(*b*) Village
(*c*) Taluk ...
(*d*) District, etc. ...
(5) Relations in Government Service with posts held by them :—
Father or Son of the Officer.
Wife or Daughter ...
Brother or Sister ...
Father-in-law or Mother-in-law.
Son-in-law or Daughter-in-law.
First Cousins ...
(6) Immoveable property, giving full details, held by the officer or by his family. ...
(7) Full details of educational career :—

Schools or Colleges attended.	Period.	Examinations passed.	Year.	Subjects.	Class or divisions secured.

(8) Languages he can read and write.

FORM 'D'

(*See* Rule 10)

Registerd to watch the Receipt and disposal of Confidential Reports.

Sl. No.	Name of the officer to be reported upon Designation	Due date	Date of receipt	Date when sent to the Chief Secretary to Govt. (or Minister) or Governor	Adverse remarks if any, communicated on	Remarks
1	2	3	4	5	6	7	8

[No. GAD 86 SSR 65]

By Order and in the name of the Governor of Mysore.

123 K. S. N. MURTHY, *Deputy Secretary.*

HOME SECRETARIAT.

NOTIFICATION.

No. HD 68 EFL 62, Bangalore, dated 31st March 1965.

G. S. R. 601. The draft of the following rules which the Government of Mysore propose to make in exercise of the powers conferred by section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962), read with sections 12, 22, 23 and 24 of the said Act, and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by sub-section (1) of section 129 of the said Act is hereby published as required by sub-section (3) of section 124 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 1st September 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft rules before the date specified above will be considered by the State Government. Objections or suggestions may be addressed, to the Secretary to Government, Home Department Vidhana Soudha, Bangalore-1.

DRAFT RULES

THE MYSORE PROHIBITION (DENATURED SPIRIT AND DENATURED SPIRITUOUS PREPARATIONS) RULES 1965.

1 Title, extent and commencement:—(1) These rules may be called the Mysore Prohibition (Denatured Spirit and Denatured Spirituous Preparations) Rules, 1963 ;

(2) These rules shall extend to all the areas of the State of Mysore where the Mysore Prohibition Act, 1961 is in force ;

(3) They shall come into force at once.

2. **Definitions** :—(1) In these rules, unless the contest otherwise requires :—

(*a*) "Act" means the Mysore Prohibition Act, 1961.

(*b*) "Denatured Spirit" means spirit subjected to any of the following processes for the purpose of rendering it unfit for human consumption, namely :—

(i) The admixture with spirit of atleast 50° over-proof of light Caoutchoucine and Pyridine bases in the proportion of $\frac{1}{3}$ of one part of Pyridine and $\frac{1}{2}$ of one part Caoutchoucine to 99 parts of spirit by volume ;

(ii) The addition of liquid soap *i.e.*, a preparation made by mixing together and heating three parts of castor oil and one part of caustic soda in the preparation of one part of liquid soap to 99 parts of spirits of atleast 50° over-proof;

(iii) The addition of 5 parts of Woodnaptha or Methyl Alcohol with 100 parts of spirit of over 50° o.p. by volume ;

(iv) The addition of 4 parts of Formalin by weight to 100 parts of spirit by weight of 60 degrees o.p. ;

(v) The addition of castor oil and caustic soda as specified below :—For hundred parts of spirit of over 50° o.p. use one part of caster oil and two-fifths of one part of caustic soda solution all by volume. The caustic soda solution is to be prepared by dissolving one part of caustic soda in three parts of water. Adding to castor oil, one and half times its volume of spirit, stirring and finally adding the caustic soda solution, and the clear solution which will be obtained will be added to the bulk of the spirit ;

(vi) The addition of Ammonia in the proportion of three parts of liquor Ammonia containing 25

to 26 per cent by weight of Ammonia gas to 97 parts of spirits of over 72° o.p. ;

(vii) The addition of 5 per cent of concentrated sulphuric acid to 95 per cent of spirit of over 50° o.p. by weight ;

(viii) The addition of any of the above or other ingredients in such proportions as may be prescribed by the Government.

Explanation :—The light Caoutchoucine and the Pyridine bases must be of the standard prescribed by the Indian Standard Institution ;

(*c*) "French Polish" means denatured spirituous preparation containing not more than 85 per cent by weight of denatured or methylated spirit and other ingredients including shellac in such proportion as may be specified by the Indian Standard Institution or prescribed by the Commissioner ;

(*d*) "Licensing authority" means, the Deputy Commissioner or any other Officer empowered as such for the issue of licenses under section 22 of the Act ;

(*e*) "Methyly Alcohol" means, the liquid having the chemical formula as laid down by the Indian Standard Institution and having other chemical names, includes Woodnaptha, Wood spirit, Wood alcohol, Pyroxylic spirit and Pyrcligneous spirit ;

(*f*) "Methylated spirit" means, denatured spirit rendered effectually unfit for human consumption by the admixture of crude woodnaptha otherwise than in highly purified condition, in the proportion of one part of woodnaptha to nine parts of spirits by volume or in any other proportion that may be specially prescribed by Government ;

(*g*) "Retail Sale" means, sale made to the public who do not hold license issued under these rules in quantities not exceeding the limit prescribed in rule.....for possession without a license ;

(*h*) "Thinner" means a Denatured Sprituous preparation containing not more than 20 per cent of denatured spirit and other ingredients in such proportion as may be specified by the Indian Standard Institution or as prescribed by the prohibition Commissioner.

(*i*) "Varnish" means, a denatured spirituous preparation containing not more than 60 per cent of denatured spirit and such other ingredients in such proportions as may be specified by the Indian Standard Institution or as prescribed by the Prohibition Commissioner ;

(*j*) "whole-sale" means, sales made to holders of licenses issued under these rules ;

3. *Manufacture of a denatured spirit, etc.*—(i) Spirit shall not be denatured by any process other than those specified in clause, (*b*) of rule 2.

(ii) No denatured spirit, methylated spirit or methyl alcohal shall be manufactured except by the holder of a distillery license issued for the purpose of establishment of a distillery for the manufacture and issue therefrom of denatured spirit, methylated spirit or methyl alcohol in accordance with the rules for the time being in force relating to the issue of such license.

(iii) No Denatured Spirituous preparations shall be manufactured except in accordance with the terms and conditions of a license issued for the purpose under these rules.

4 *Export.*—No denatured spirit, methylated spirit, methyl alcohol or denatured spirituous preparation shall be exported except by the holder of a license for manufacture and issue of such spirits or denatured spirituous preparations, as the case may be, referred to in rule 3. Such spirit shall be exported only under cover of an export

permit in form D.L. 21 and issued by the Deputy Commissioner of the District. Before the issue of such an export, permit the exporter shall produce an import permit or a no objection certificate from the competent authority of the State or place to which the export is made, signifying that there is no objection to the issue of the export permit sought for.

5. *Import.*—(*a*) No denatured spirit, methylated spirit, methyl alcohol or denatured spirituous preparations shall be imported except by persons or institutions holding licenses issued under these rules to deal in or use denatured spirit or methylated spirit or methyl alcohol or denatured spirituous preparations and except under a import permit in the form D.L. 22 issued by the Deputy Commissioner of the District concerned. Provided that *bona fide* travellers may bring into the State without an import permit, denatured spirit or denatured spirituous preparations upto a maximum of one litre or methylated spirit or methyl alcohol upto a maximum of half litre.

(*b*) Before the permit for import of denatured spirit, methylated spirit, methyl alcohol or denatured spirituous preparations is issued under sub-rule (*a*) the importer shall pay a fee at the rate of ..... per litre on the quantity proposed to be imported.

(*c*) In the case of preparations containing a high percentage of alcohol and manufactured according to a process not detailed in sub-clauses (i) to (vii) of clause (*b*) of rule 2, the Deputy Commissioner may, after getting a sample of such preparation or commodity analysed, levy a fee at the prescribed rate on the spirit contents of the preparations before any such preparation is allowed to be imported.

6. *Possession.*—(1) Any person or institution may without a license possess denatured spirit upto a maximum of two litres three qts. methylated spirit or methyl alcohol upto a maximum of one litre or 1½ qts. or denatured spirituous preparations upto a maximum of five litres or 7½ qts. for any medicinal, scientific, industrial or domestic purposes.

(2) Consignments of denatured spirit, methylated spirit, methyl alcohol and denatured spirituous preparations from outside the State intended for export through any harbour in the State of Mysore shall be permitted to be stored in the harbour pending export. This permission shall be granted in each individual case by the Commissioner subject to conditions set out in Appendix-I.

7. *Sale.*—No person or institution shall sell denatured spirit or methylated spirit, or methyl alcohol or denatured spirituous preparations except in accordance with the provisions these rules and on the terms and conditions of a license issued under these rules. Such license may be issued for whole-sale vend or retail sale or both, as the case may be.

8. *Licence for the whole-sale vend of denatured spirit, etc.*—(1) License for the whole-sale vend of denatured spirit, methylated spirit, or methyl alcohol shall be issued in form D. L. (2) on payment of a license fee of Rs. 50 per annum.

(2) Such licence shall provide for the possession of denatured spirit or methylated spirit or methyl alcohol and its sale in wholesale to holders of licenses issued under these rules for the possession and use or retail sale of denatured spirit or methylated spirit or methyl alcohol.

(3) The licensee shall obtain his supplies from a distillery in the State or from another holder of a license in this form or from sources outside the State, and issue it in whole-sale to holders of licenses issued under these rules in accordance with the provisions of these rules and the special conditions mentioned in the license.

(4) The licensee shall maintain accounts of his transactions in form D. L. (10).

9. **License for the Possession and use of Denatured spirit etc:—**

(1) License for possession of denatured spirit or methylated spirit or methyl alcohol either as such and or in

the manufacture of specified commodities other than denatured spirituous preparations shall be in form D.L. 3 and shall be issued on payment of a licence fee of Rs. 25 per annum.

(2) An applicant for a license shall indicate in his application the purpose for which he requires the denatured spirit, or methylated spirit or methyl alcohol and specify whether he wishes to use the spirit as such and or use it in the manufacture of commodities. In the latter case the names and other particulars of the commodities shall be specified and the particular kind of denatured spirit, or methylated spirit required for the purpose shall also be indicated.

(3) The licensing authority shall enter in the license the quantity of each kind of denatured spirit or methylated spirit allowed and the commodities which the licensee is allowed to manufacture by using the spirit.

(4) No sale of spirit as such is permitted under this license.

(5) The licensee shall not manufacture any commodity other than those entered in the license without the prior approval of the licensing authority and without getting the name of such commodity entered in the license.

(6) The licensee shall obtain his supplies of denatured spirit or methylated spirit or methyl alcohol from a distillery in the State or from a holder of a license in form D.L. (2) in the State or from sources outside the State when specially authorised in that behalf.

(7) The licensee shall maintain accounts of transactions under his license in form D.L. 11.

10. Licenses to Railway Authorites.—(1) Licenses issued to an officer of the Railway for storage and use of denatured spirit or methylated spirit or methyl alcohol for distribution to out-stations or any other railway institutions in Mysore State under his control shall be in form D.L. 4 and shall be issued on payment of license fee of Rs. 5 per annum.

(2) The licensee shall obtain his supplies of denatured spirit or methylated spirit or methyl alcohol from a distillery or a person holding D.L. 2 license in the State or from sources outside the State.

(3) He shall maintain account of his transactions in form D.L. 12 and the licensee shall have similar accounts kept at the outstations and other institutions which obtain supply from the licensees.

11. License for retail sale of Denatured spirit, Methylated spirit or Methyl alcohol.—(1) License for retail sale of denatured spirit methylated spirit methyl alcohol shall be in form D.L. 5 and shall be issued on payment of a license fee of Rs. 50 per annum.

(2) The licensee shall get his supplies of denatured spirit methylated spirit or methyl alcohol from a distillery in the State or from a holder of license for whole-sale vend of denatured spirit or methylated spirit or methyl alcohol in form D.L. 2 or from sources outside the State.

(3) The licensee shall sell only in accordance with the special conditions mentioned in the license itself.

(4) The licensee shall maintain accounts of transactions under the license in form D.L. 13.

12. License for the possession and use of denatured spirits in the manufacture of denatured spirituous preparations and use or sale of denatured spirituous preparations.—(1) License for possession and use of denatured spirit in the manufacture of denatured spirituous preparations and use or sale of denatured spirituous preparations shall be in form D.L. 6 and shall be issued on payment of annual license fee of Rs. 100 it covers possession of spirit denatured in accordance with the provisions of sub-clauses (i) to (vii) of clause (*b*) of rule 2 and its use in the manufacture of denatured spirituous preparations which may either be used by the licensee himself or sold by him in whole sale to holders of licenses in forms D.L. 7, D.L. 8 and D.L. 9. The licence does not confer the privilege of both use and sale.

(2) The applicant for a license shall indicate in the application whether he proposes to use or sell the denatured spirituous preparations manufactured under the license.

(3) The licensee may obtain supplies of denatured spirit from a distillery in the State or from the holder of a license for whole sale vend of denatured spirit in form D.L. 2 or by import. No spirit as such shall be sold under the license.

(4) The licensee shall maintain accounts in form D.L. 14 regarding the spirit obtained and used by him in the manufacture of denatured spirituous preparations and in form D.L. 15 or D.L. 17 according as the denatured spirituous preparations manufactured is, used by the licensee himself or sold.

(5) The sale of denatured spirituous preparations shall be strictly in accordance with the special conditions mentioned in the license.

13. License for the possession and use of denatured spirituous preparations.—(1) Licenses for possession and use of denatured spirituous preparations will be issued in form D.L. 7 on payment of a fee of Rs. 10 per annum.

(2) No denatured spirituous preparations possessed under this license shall be sold. The licensee shall obtain his supplies of denatured spirituous preparations from a holder of a license in form D.L. 6 or in form D.L. 9, or by import.

(3) The licensee shall maintain an account of transactions under the license in form D.L. 15.

14. License for possession of denatured spirituous preparations by an officer of the railway for use and distribution to out-stations or other railway institutions in Mysore State under his control.—(1) License to possess denatured spirituous preparations for use and its distribution to out-stations or other railway institutions in the State under his control shall be issued in form D.L. 8 on payment of license fee of Rs. 10 per annum to an officer of the Railways.

(2) Denatured spirituous preparations shall not be sold under this license. The licensee shall obtain his supply of denatured spirituous preparations from a holder of a license in form D.L. 6 or in form D.L. 9 or by import.

(3) The licensee shall maintain accounts of transactions under the license in form D.L. 16. Accounts in similar form shall be maintained in the out-stations and other railway institutions supplied by the licensee.

15. License for the sale of denatured spirituous preparations.—(1) License for possession and sale of denatured spirituous preparations in wholesale or retail issued in form D.L. 9 on payment of fee of Rs. 25 per annum.

(2) The licensee shall get his supplies of denatured spirituous preparations from the holder of a license in form D.L. 6 or from the holder of a similar license or by import. The sales under this license shall be strictly in accordance with the special conditions mentioned in the license.

(3) The licensee shall maintain accounts of transactions in form D.L. 17.

16. Indent for and supply of denatured spirit, methylated spirit methyl alcohol or denatured spirituous preparations. (1) Supplies of denatured spirit or methylated spirit or methyl alcohol or denatured spirituous preparations obtained by licensees shall be on indents in form D.L. 18. The indent shall be in printed form, in three parts and machine numbered consecutively. Whenever a licensee indents for spirit or denatured spirituous preparations he shall prepare an indent in three parts, retain Part I on his file, send Part II of the indent to the distillery in the State or supplying licensee if supply is sought for, from sources within the State and to the authority competent to issue import permit in case supply is required from sources outside the State. In the latter case the indent shall be accompanied by an application for an import permit together with a treasury receipt in token of payment of fee leviable on the quantity of spirit or denatured spirituous preparations

proposed to be imported. Part III of the indent shall be sent to the Excise or Prohibition Officer having jurisdiction over the indentor.

(2) On receipt of the indent the supplying licensee within the State, if he decides to comply with the indent shall make necessary arrangements to obtain a transport permit in form D.L. 23 from the Prohibition or Excise Officer having jurisdiction over his licensed premises to cover the transport of the commodity from the supplying licensee's premises to those of the indentor. The currency of the transport permit shall be restricted to a reasonable period but not exceeding one day for every 25 miles or part thereof. In case the supplier is the distillery, the issue shall be made only after collection of the amount of fee leviable on the quantity supplied. The transport permit issued to cover the transport from the distillery also, shall be in the same form *i.e.*, form D.L. 23, and it shall be issued by the Officer-in-charge of the distillery. If the distillery or the supplying licensee is not able to or decides not to comply with the indent, either in full or in part he shall inform the indentor accordingly furnishing his reasons therefor. A copy of the communication shall be sent to the Prohibition or Excise Officer of the district in which the indenting licensee is.

(3) The transport permit issued shall in all cases be prepared in four parts. Part I will be retained as office copy by the issuing officer, Part II will be sent to the indentor to be carried along with the consignment, Part III will be sent to the Prohibition or Excise Officer of the district in which the indenting licensee is, and Part IV will be given to the supplier for his file. The transport permit forms shall be bound in books and consecutively machine-numbered. In cases of supply sought from outside the State, the authority competent to issue the import permit shall, if there is no objection, issue an import permit in form D.L. 22, to the indentor to enable him to import the stock he has applied for. The import permit shall be made out in three parts. Part I will be retained as the office copy, Part II sent to the indentor for accompanying the consign-

ment and part III sent to the Prohibition or Excise Officer of the district in which the exporting licensee is. Consignments imported shall not be opened by the indentor and taken into stock until and unless verified by a Prohibition or Excise Officer. The importer shall give intimation to the verifying officer as soon as the consignment is received. The verifying officer will record his certificate of verification on Parts II and III of the transport permit return part II to the indentor, retain part III for his record and intimate the Prohibition or Excise Officer who issued the permit of the result of the verification.

17. Applications for the grant of a License :—(1) A person desiring to obtain a license under these rules shall apply to the Deputy Commissioner in Form D.L.1 specifying the nature of license required to be granted. The application shall be affixed with court-fee stamp of the prescribed value. Separate applications shall be made for each kind of license applied for.

(2) No license under these rules shall be granted for a period beyond the 31st March next following the date of the commencement of the license.

(3) On receipt of the applications referred to in sub-rule (1), the Deputy Commissioner shall verify the particulars furnished in the application and satisfy himself after enquiry : (i) that the applicant has not been convicted of any offences against the Act or the rules made thereunder or of any cognizable or non-bailable offences ; (ii) that the applicant is a resident of the place where the license is required ; (iii) that the applicant's personal circumstances and local needs justify the grant of the license ; (iv) and that the privilege is not likely to be misused. If the Deputy Commissioner is satisfied that the applicant is eligible for the grant of the license applied for he may grant the license after satisfying himself that the fee if any, prescribed therefor has been paid.

(4) The license shall be issued in the name of the applicant. In the case of applications from a recognised

institution or a registered firm or company the license shall be issued in favour of the accredited office-bearer or agent or other functionary who has been duly authorised by power of attorney, Articles of Association or similar rules relating to the management of the institution, firm or company.

The quantity of denatured spirit of methylated spirit or methyl alcohol or denatured spirituous preparations, as the case may be to be allowed under the license shall be fixed by the licensing authority at his discretion after taking into account the *bona fide* demands in the area the license is intended to serve. The quantity once fixed shall not be altered at any time during the license period, but may be altered at the discretion of the licensing authority at the time of renewal of the license for reasons to be recorded in writing.

(5) In the case of licenses granted only for denatured spirit in the first instance, methylated spirit or methyl alcohol or denatured spirituous preparations should not be included subsequently or *vice versa* except at the time of renewal of the license.

(6) If the licensing authority is satisfied that the applicant is not eligible for the license or that the grant of license is not justified with reference to conditions and circumstances specified in sub-rule (3) he shall by order in writing refuse to grant the license for reason to be specified in the order. In that case the license fee, if any, paid by the applicant shall be refunded.

(7) A license holder desiring to renew the license shall make an application in Form D.L.1 atleast one month before the date of expiry of the license. The provisions of sub-rules (1) to (6) of this rule shall, as far as may be apply to an application for renewal of license as if it were an application for the original grant of a license.

(8) Licenses granted under these rules may be suspended or cancelled in accordance with the provisions of section 45 and 47 of the Act. Where a license is cancelled or suspended during its currency or it is not renewed on its

expiry, the licensee shall forthwith intimate the Deputy Commissioner of the quantities of denatured spirit, methylated spirit, methyl alcohol and denatured spirituous preparations in stock with him. On receipt of such intimation the Deputy Commissioner shall instruct the Prohibition Officer or other authorised officer to verify the stock and seal up the premises where the stock is stored. The stocks will however be deemed to be in the custody of the ex-licensee who will make arrangements and will be responsible for its safety. The stock may only be sold with the permission of the Deputy Commissioner to other licensees. The licensee shall not however be allowed to receive fresh stock after his license expires or is suspended or cancelled. The permission to sell the stock to other licensees shall be subject to the condition that all sums due to the State Government shall first be paid out of the sale proceeds.

(9) (i) Every licensee at the time of taking delivery of his license shall give to the Deputy Commissioner undertaking in the form of a counter-part agreement executed on a stamped paper of appropriate value that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to abide by all the conditions of the license,

(ii) A licensee shall, before the license is granted or at any time during its currency, if so required by the authority deposit with the Deputy Commissioner in cash or in Government promissary notes such sum as may be prescribed by the licensing authority as security for the due observance of the conditions of the license. In case of non-observance of the terms of the license the security so deposited may be forfeited to Government and the license cancelled. The forfeiture of the deposit and the cancellation of the license shall not be held to prevent the license from being proceeded against in a court of law under the provisions of the Act or the rules made thereunder or under any other law for the time being in force.

(iii) Licenses issued under these rules shall not be sold, transferred, sub-rented or sub-leased without the previous permission of the Deputy Commissioner:

(iv) The licensee or his successors or assigns shall have no claim whatsoever to the continuance or renewal of the license after the expiry of the period for which such license was granted.

(v) A licensee shall not change the premises in which he carries on business under his license except with the previous permission of the licensing authority. Permission to shift business outside the area which the licensee is intended to serve shall be treated as the grant of a fresh license and all the provisions relating to the grant of a license shall likewise apply to the granting of such permission.

18. General Conditions of Licences:—(1) The license shall, except where no business is transacted, be hung up in a conspicuous place in the premises, in which the business under the license is transacted. A sign board shall also be affixed to the licensed premises showing the number and kind of license and the hours of business.

(2) The licensed premises shall be kept open for business or for inspection by Prohibition or other authorised Officers on all days except the weekly holidays or such other days on which the Commissioner may order closure.

(3) In the absence of the licensee his authorised representative shall be in charge of the license stock and account books.

(4) The possession of denatured spirit, methylated spirit methyl alcohol or denatured spirituous preparations outside the licensed premises is forbidden unless the quantity possessed is within the limits of private possession.

(5) Premises for whole-sale and for retail sale shall not be located in the same place. Provided that when the licenses are held by one and the same person they may be located in the same premises if the portions relating to one license is effiectively partitioned off from the portions relating to the other and the portions so partitioned off are sufficiently commodious to locate the business under the respective licenses.

(6) If licenses are held by one and the same person in the following combinations namely :—

(i) a license for whole-sale vend of denatured spirit or methylated spirit or methyl alcohol and license for the manufacture and sale of denatured spirituous preparations ; and

(ii) license for manufacture and sale of denatured spirituous preparations and license for the possession and use of denatured spirituous preparations ; the respective licenses under each shall be located in separate premises.

(7) Denatured spirit, methylated spirit, methyl alcohol or denatured spirituous preparations possessed or exposed for sale in the licensed premises shall be undiluted and unadulterated. Denatured spirit or methylated spirit whose strength is below 50°0.P. shall not be possessed or sold.

(8) If any inspecting officer is of opinion that any spirit or denatured spirituous preparations found by him in the licensed premises is not of the required standard, he may, after recording his reasons, take in the presence of the licensee or his authorised representative two samples from each of the receptacles containing such suspected spirit or denatured spirituous preparation and forward one sample in sealed bottle to the Chemical Examiner for analysis and cause the other to be sealed and kept with the licensee. Pending receipt of the report of analysis or test from the Chemical Examiner such officer shall cause such stock of suspected spirit or denatured spirituous preparation to be sealed with his seal and leave the stock so sealed with the licensee with written directions that it should be kept in safe custody. If the result of analysis or test shows that the suspected stock is not of the prescribed standard, the licensee shall abide by the order of the licensing authority regarding its disposal. Otherwise the sealed stock shall be forthwith released. The officer who takes action under this rule shall send a report forthwith to the licensing authority

through his official superior detailing the circumstances under which the samples were taken.

Note :--The rendering or attempting to render any denatured spirit or preparations containing denatured spirit fit for human consumption or the possession of such spirit or preparation in respect of which such an attempt has been made is punishable under section 60 of the Act.

(9) (i) Every bottle, Jar, cask or other receptacle containing denatured spirit, methylated spirit, methyl alcohol received into and kept for storage or sale in a premises licensed under these rules or possessed by a private person or institution permitted to be in possession of such spirit or methyl alcohol shall have affixed to it in a conspicuous manner a label which should contain the picture of a full human skeleton at least three inches in length extending from top to bottom of the label with the following words printed on the right and left of the picture.

"Poison not to be taken internally."

DENATURED SPIRIT

METHYLATED SPIRIT

METHYL ALCOHOL.

Spirits made in ..... and bottled by .....";

The words "Poison not to be taken internally" shall be printed in red and bold letters in English, Kannada, Telugu, Tamil, Urdu and Hindi. The design and style of the label shall be as in form D.L. 19 (a), D.L. 19, (b) D.L. 19 (c) as the case may be.

(ii) In the case of denatured spirituous preparations the labels to be affixed with reference to the provisions in sub-rule (i) above of this rule shall be in form D.L. 20.

(10) True accounts of transactions shall be maintained from day to day in ink in the form prescribed by these

rules. The accounts shall be in printed books. The accounts copies of indent, invoices, and permits relating to the purchase, import or transport of denatured spirit, or methylated spirit or methyl alcohol or denatured spirituous preparations shall be preserved in support of accounts for one year after the period covered by the respective license and shall be produced when called for by any officer authorised to inspect the license. They shall be handed over to such officer on a receipt being given therefor. The licensee shall furnish to the licensing authority such statistics or information as may be required from time to time regarding the working of the license.

(11) An inspection book paged and stamped with the seal of the Deputy Commissioner shall be maintained at the licensed premises for the use of the inspecting officers. The book being Government property should be handed over to the licensing authority or inspecting officer either on demand during the currency of the license or voluntarily after the license expires or is cancelled, on a receipt given therefor.

(12) The holder of a license issued under these rules shall, if so ordered by the licensing authority, provide himself with such weights and measures as may be prescribed for use in the licensed premises. The weights and measures shall bear the stamp of the Inspector of Weights and Measures or other authorised officer. The weights and measures shall be available at the licensed premises for use by inspecting officers whenever they need them.

(13) The licensee shall pay such duty as are prescribed by rules on the Denatured spirit or methylated spirit or methyl alcohol obtained by holders of licensee from a distillery or warehouse in the State, and Denatured spirit or methylated spirit or methyl alcohol or denatured spirituous preparations obtained from sources outside the State. In the former case the Duty shall be paid by the licensee at the time of purchase of stock from the distillery or bonded warehouse and in the latter case the duty shall

be credited into a treasury and the challen shall be enclosed to the application for an import permit. No refund of duty is permissible on denatured spirituous preparations exported to places outside the State. No remission, refund or abatement of any duty leviable under these rules or under the terms of any license issued thereunder shall be allowed on grounds of loss, leakages etc., of denatured spirit/ mathylated spirit/methyl alcohol or denatured spirituous preparations or for any other cause whatsoever. All arrears or dues outstanding against any licensee shall be adjusted from the deposit, if any, furnished by the licensee or collected from him. Any shortage or leakage or loss of denatured spirit/methylated spirit/methyl alcohol or denatured spirituous preparations not accounted for to the satisfaction of the licensing authority will render the license liable to cancellation and the licensee being proceeded to under the provisions of the Act or these rules.

(14) The licensee shall be bound by any additional general rules and conditions that may be prescribed under the Act, and shall if so required, by the licensing authority or any officer authorised by such authority deliver the license for amendment or for issue of a fresh license.

(15) All Prohibition Officers and other Officers duly empowered under the rules or entitled to inspect licensed premises and check the accounts maintained under the rules and carry out the duties and perform the functions appertaining to them. The licensee is prohibited from having any pecuniary dealings whatsoever with such officers.

(16) If it is found that a licensee is suffering from leprosy or such other contagious disease, he shall not be allowed to continue to hold the license nor shall any person suffering from any such disease be employed by the licensee in any capacity within the licensed premises. The licensee shall not also employ any person convicted of an offence under the act or the rules or under the Indian Penal Code.

19. Submission of Returns:—At the close of each month the licensee shall prepare a return of transactions showing the opening balance, receipts, issues and closing balance with the amount of duty paid by him, if any, and send it on or before the 10th of the succeeding month to the Deputy Commissioner of the District. The particulars in respect of each commodity dealt with under the license shall be shown separately in the return.

APPENDIX I.

[*See Rule 6 (2)*]

The interim storage at any private godown in Mysore State of consignments of denatured spirit brought from outside the State and intended for shipment through any harbour of this State shall be subject to the following conditions:—

Conditions.

1. The godown for the storage shall be sufficiently strong and secure and shall be provided with locking arrangements to the satisfaction of the Prohibition and or Excise Officer.

2. All means of communication from and to the godown shall be effectively barred, when the main entrance of the godown is closed and locked as required in condition 3.

3. The godown shall be under the joint lock and key of the prohibition and or Excise Officer and of the Exporter. The Prohibition and or Excise Officer shall secure it with an Abkari lock.

4. Only the quantity of denatured spirit actually allowed for export on any particular occasion shall be brought into the godown. The company shall satisfy the Prohibition and or Excise Officer in charge of the godown as to the *bona fides* of each export.

5. The place of export and the quantity contained in each drum shall be indicated on each drum in red paint in addition to the usual marks made on it, at the time of issue from the distillery. Only metallic drums in sound condition shall be used for the purpose and they should be serially numbered in respect of each consignment.

6. The export permit granted by the Prohibition and or Excise Authorities of the exporting State shall accompany the consignment

intended to be stored in the godowns and it shall be handed over to the Prohibition and or Excise Officer in charge of the godown on arrival of the consignments. The Prohibition and or Excise Officer will make necessary verification and endorse the result on the reverse of the export permit and return it to the exporter. Similarly at the time of releasing the consignments for export the exporter shall hand over the export permit to the Prohibition and orExcise Officer who will again endorse the fact of release of the consignments on the export permit.

7. The exporter shall pay such supervision charges as the Deputy Commissioner may decide but not exceeding Rs. 5 for every visit of the Prohibition and or Excise Officer.

8. No allowance will be made for wastage either during the storage of the consignment or during its passage through this state. The company shall obtain an authenticated certificate from the officer in charge of the distillery of issue showing the quantity of denatured spirit in each drum and its gross weight at the time of issue from the distillery and produce the certificate before the Prohibition and or Excise Officer along with the Export permit mentioned in condition 6. Similarly the company shall furnish satisfactory evidence showing the quantity of denatured spirit accepted for shipping and the gross weight of each drum and produce the certificate before the Prohibition and or Excise Officer on the day following the shipment of the consignments from the harbour. Any difference in the weights recorded at the time of issue of drums from the distillery and at the time of shipping shall be accounted for by the company to the satisfaction of the Prohibition Commissioner.

9. If leakage of denatured spirit is noticed in any drum or if any drum shows signs of having been tampered within transit, duty will be levied on the quantity of spirit found deficient at the rate applicable to plain rectified spirit as calculated from the strength of the spirit at the time it left the distillery.

APPENDIX II.

Sl. No.	*Form No.*	*Description*	*Rule No.*
1	D.L. 1	Form of application for grant/ renewal of license under the Mysore Prohibition (Denatured Spirit and Denatured Spiritious Preparations) Rules 1962.	9 (*a*)

	D.L. 2	Form of license for wholesale vend of Denatured Spirit/Methylated spirit/Methyl alcohol.	8 (*a*)
	D.L. 3	Form of license for the possession and use of denatured spirit/ Methylated spirit/Methyl alcohol either as such and or in the manufacture of specified commodities other than Denatured spiritious preparations.	8 (*a*)
4	D.L. 4	Form of license issued to an Officer of the Railway for storage and use of Denatured spirit/Methylated spirit/Methyl alcohol and its distribution to outstations or any other Railway Station in Mysore State under his control ...	8 (a)
5	D.L. 5	Form of license for retail sale of Denatured Spirit/Methylated spirit/Methyl alcohol ...	8 (a)
6	D.L. 6	Form of license for possession and use of Denatured spirit in the manufacture of Denatured Spirituous Preparations and use or sale of Denatured Spirituous Preparations.	8 (a)
7	D.L. 7	Form of license for possession and use of Denatured Spirituous Preparations ...	8 (a)
8	D.L. 8	Form of license for possession of Denatured spirituous preparations by an officer of the Railway for use and distribution to outstations or other Railway stations in Mysore State under his control ...	8 (a)
9	D.L. 9	Form of license for sale of Denatured Spirituous Preparations ...	8 (a)
10	D.L. 10	Form of account to be maintained by the holder of a license in form D.L. 2 ...	8 (a)
11	D.L. 11	Form of account to be maintained by the holder of a license in form D.L. 3 ...	8 (a)
12	D.L. 12	Form of account to be maintained by the holder of a license in form D.L. 4 ...	8 (a)
13	D.L. 13	Form of account to be maintained by the holder of a license in form D.L. 5 ...	8 (a)
14	D.L. 14	Form of account to be maintained by the holder of a license in form D.L. 6 ...	8 (a)

15	D.L. 15	Form of account to be maintained by the holder of a license in form D.L. 6 or D.L. 7.	8 (a)
16	D.L. 16	Form of account to be maintained by the holder of a license in form D.L. 8 ...	8 (a)
17	D.L. 17	Form of account to be maintained by the holder of license in from D.L. 6 or D.L. 9.	8 (a)
18	D.L. 18	Form of indent for Denatured spirit/Methylated spirit/Methyl alcohol/Denatured Spirituous preparations	(8a)
19	D.L. 19	Form of label to be affixed on a bottle, Jar, cask or any other receptacle containing denatured spirit/Methylated spirit/ Methyl alcohol	10(G)I
20	D.L. 20	Form of label to be affixed on a bottle Jar, cask or any other receptacle containing Denatured Spirituous Preparations ...	10(G)II
21	D.L. 21	Form of Export Permit ...	4
22	D.L. 22	Form of Import Permit	5 (a)
23	D.L. 23	Form of transport permit	8 (b)

FORM D.L.—1

(See Rule—17)

Application for grant, renewal of license under the Mysore Prohibition (Denatured Sprit and Denatured Spritуous Preparations) Rules, 1963.

To

The Deputy Commissioner,
.....District.

Original / Renewal

1. Kind of license required
2. Name of applicant
3. Permanent Address
4. Place of residence
5. Occupation and approximate monthly Income.
6. Address of premises in which the applicant proposes to do business under the license applied for.

7. The area which the license applied for is intended to serve.

8. Quantity and purpose for which the license is required.

	At a time	In a quarter	In a year	Purpose for which required
Denatured Spirit ...				
Methylated Spirit ...				
Methyl Alcohol ...				
Denatured Spirituous Preparations.				

9. (*a*) If the license applied for is for possession and use, whether it is for use of denatured spirit methylated spirit/methylalcohol as such or for use in the manufacture of commodities other than Denatured spirituous preparations (the name of commodities and kind of denatured spirit and methylated spirit required. *Vide* rules 2 (1) (6) and 2 (1) (9) to be specified).

(b) If the application is for a license for manufacture of Denatured Spirituous Preparations by the applicant himself or for the manufacture and sale of Denatured Spirituous Preparations.

10. Other licenses held by the applicant, if any, under the Mysore Prohibition Act and Rules.

11. The period for which the applicant was holding the license if any mentioned in column 10.

12. Other business, if any, the applicant is doing.

13. Whether any previous application for license under the Mysore Prohibition Act, 1961, made by the applicant in this or any other District of the State has been rejected (If so the No. and date of the order and the authority which issued the order should be furnished)

14. The amount of license fee paid with Challan No. and date (Challen to be enclosed)

I hereby declare :—

(a) that the particulars given above are correct :

(b) that I have not been convicted of any offence under the Mysore Prohibition Act 1961, or the rules made thereunder or of any other cognisable or non-bailable offence;

(c) that I have gone through the Mysore Prohibition (Denatured spirit, and Denatured spirituous preparations) Rules, 1963 relating to the license applied for by me herein and am conversant with the provisions thereof; and that

(d) I hereby undertake to abide by the conditions of the license and the provisions of the Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder.

Place.....
Date.....

Signature of the applicant.

FORM D.L. 2.

(*See* Rule—8)

License for the whole sale vend of Denatured spirit/methylated spirit/Methyl Alcohol.

No. of License. .....District.

License is hereby granted and issued to.....(hereinafter called the "Licensee") of.....residing at.....(hereinafter called the "Licensed Premises" in the village/Town of..... .....Taluk..... ..... District.....for possession and wholesale vend of Denatured Spirit/Methylated spirit/Methyl Alcohol during the year ending with 31st March 19.....subject to the following coditions :—

1. The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961 rules, regulations, orders and the conditions of this license.

2. The privilege conferred herein extends to the possession and issue or sale of Denatured spirit/Methylated spirit/Methyl Alcohol in wholesale to holders of licenses issued under the rules and subject to the conditions applicable to those licenses.

3. The licensee shall obtain his supplies of Denatured spirit/ Methylated spirit/Methyl Alcohol from any of the following sources :—

(*a*) Distillery in this State or

(*b*) The holder of similar license in the State ; or

(*c*) From outside the State by import ; or

(*d*) Such other source as the Prohibition Commissioner may in special cases approve subject to such terms and conditions as he may impose in that regard. All imports

and transports from the sources of supply to the licensed premises of Denatured spirit/Methylated spirit/Methyl Alcohol by the licence will be in accordance with the provisions of these rules.

4. The quantity of Denatured spirit/Methylated spirit/Methyl Alcohol possessed and issued under the terms of the license shall not exceed the following limits at any one time :—

Kind of Commodity	Quantity that may be possessed at any one time Gls. or litres.	Quantity that may be issued or sold in a year or the period covered by the license Gls. or litres.
Denatured Spirit Methylated Spirit Methyl Alcohol		

(5) (a) The minimum quantity of Denatured spirit/Methylated spirit, Methyl alcohol sold at any one time by the licensee shall be one gallon or 5 litres in the case of Denatured spirit and three reputed quarts or 2 litres in case of either Methylated spirit or Methyl Alcohol; the maximum quantity that may be issued or sold shall not exceed the quantity the purchasing licensee is allowed to posses at any one time under the terms of this license. The issue or sale of Denatured Spirit/Methylated spirit/Methyl Alcohol shall be against the indents of purchasing licensees. The licensee shall issue a bill in respect of each issue or sale and particulars of such a bill shall be entered in the appropriate column of account in form D.L. 10 maintained by the licensee.

(*b*) The transport of denatured spirit/Methylated spirit/Methyl alcohol issued or sold by the licensee from licensed premises to the premises of purchasing licensee shall be covered by a transport permit in form D. L. 23 issued in accordance of the provisions of the rules.

(6) The licensee shall maintain daily accounts of transactions under this license in form D. L. 10. The account in respect of Denatured Sprit/Methylated spirit/Methyl alcohol as the case may be shall be in different openings in the accounts register. The licensee shall maintain an inspection book as prescribed under the rules. The licensee shall submit returns as required by the rules.

Signature

Station :
Date :
Seal of the
Deputy Commissioner.

Deputy Commissioner,

..... District.

FORM D.L. 3.

(*See* Rule 9)

Form of license for the possession and use of Denatured spirit/ Methylated spirit/Methyl alcohol either as such or for use in the manufacture of specified commodities other than Denatured Spirituous Preparations.

Number of License. .....District.

License is hereby granted and issued to..... ... (hereinafter called "The licensee") at .... (hereinafter called "The Licensed Premises") in the village or town, taluk.....District... ....to possess denatured spirit/methylated spirit/methyl alcohol for use either as such and or for use in the preparation or manufacture of the commodities mentioned in this license during the period commencing from ....and ending with the 31st March 19.....subject to the following conditions namely :—

CONDITIONS.

1. The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961 rules, regulations and orders made thereunder and the conditions of this license.

2. The privilege conferred by this license extends to the possession and use of denatured spirit/Methylated spirit/Methyl alcohol either as such and/or use in the manufacture or preparation of the commodities specified in this license. The licensee is prohibited from selling denatured spirit/methylated spirit/methyl alcohol obtained under the license. No commodity other than those specified in the license shall be manufactured without the approval of the licensing authority and before the name of the commodity is included in the license. Nor shall the spirits put to any other use other than that indicated in the license.

3. The licensee shall obtain his supplies of denatured spirit/ methylated spirit/methyl alcohol from any of the following sources :—

(*a*) a distillery in the State ; or

(*b*) from the holder of a license in form D. L. 2; or

(*c*) sources outside the State by import ; or

(*d*) such other source as the Prohibition Commissioner may special cases ; point or approve subject to such terms and conditions as

he may impose in that regard. The supplies shall be obtained only in accordonce with the provisions of the rules.

4. The quantity of denatured spirit/methylated spirit/mtehyl alcohol possessed at any one time and that used and consumed under the license in a quarter and during the year or period for which the license is current shall not exceed the quantities entered below :—

Kind of Spirit	Quantity that may be possessed at any one time.	Quantity that may be sold	
		in a quarter	In a year or the period of currency of license.
1	2	3	4
Denatured Spirit Methylated Spirit Methyl Alcohol	Gls. or litres	Gls. or litres	Gls. or litres.

5. Denatured spirit/Methylated spirit/Methyl Alcohol obtained under the license shall not be purified, recovered or redistilled except with the previous sanction of the Prohibition Commissioner. The licensee shall abide by the special terms and conditions if any which the Prohibition Commissioner may impose with regard to each such sanction.

6. The licensee shall maintain daily accounts of transactions in form D. L. 11. The accounts in respect of each kind of Denatured spirit/Methylated spirit/Methyl Alcohol as the case may be shall be on different openings in the accounts register.

Names of commodities permitted to be manufactured under the license.

Sl. No.	Name of the commodity permitted to be manufactured.	Kind of denatured spirit/methylated spirit/methyl alcohol permitted to be used in the manufacture of commodity mentioned in Col. 2.	Remarks.

Station :

Deputy Commissioner

....District.

Seal of the Deputy Commissioner

FORM D.L. 4

(*See* Rule 10)

No. of license

Form of license issued to an officer of the Railway for storage of Denatured spirit/Methylated spirit/Methyl alcohol and its distribution to outstations or any other Railway Stations in Mysore State under his control.

License is hereby granted and issued to ..... (name and address of the licensee)..... ..... (hereinafter called "The licensee") in the village/town ....taluk..... District.....to import, transport, store denatured spirit/Methylated spirit methyal alcohol at..... and for use in..... .. and for distribution to outstations or other railway institutions in Mysore State, under his control, during the year ending with 31st March ..... subject to the following conditions, namely :—

(1) The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961 rules regulations, orders and the conditions of this license.

(2) The license extends only to the storage, use and to the distribution to outstations or other railway institutions in this State, under the control of the license of denatured spirit/methylated spirit/methyl alcohol and does not permit the sale thereof.

(3) The licensee shall not store the denatured spirit/methylated spirit/methyl alcohol obtained under this license in any place other than the licensed premises.

(4) The licensee shall obtain his requirement of spirits either from a distillery or warehouses or from a licensee holding a license in from D.L. 2.

(5) Transport from the licensed premises to the Railway Institutions in the State and to outstations shall be covered by a transport permit in Form D.L. 23.

(6) Accounts of the daily transactions under this license shall be maintained in Form D.L. 12.

(7) The licensee shall send to the Deputy Commissioner of the District an extract of the account maintained in Form D. L. 12 on the 10th of the month following each quarter.

(8) An inspection book paged and stamped with the seal of the Deputy Commissioner shall be maintained for the use of inspecting officers and shall on demand be handed over to the Deputy Commissioner of the District or any other Officer authorised by him to receive it on a receipt being given therefor.

Station :
Date :

Deputy Commissioner,
.....District.

Seal of Deputy Commissioner

FORM D.L. 5

(*See* Rule—11)

No. of license ..... District.

License for the Retail sale of Denature spirit/Methylated spirit/Methyl alcohol.

License is hereby granted and issued to..... (hereinafter called "The licensee") to possess and sell in retail denatured spirit/methylated spirit/methyl alcohol at..... (hereinafter called the "Licensed Premises") in the village/town..... taluk.....District..... during the year ending with 31st March 19.....subject to the following conditions, namely :—

CONDITIONS

1. The licensee shall be bound by the provisions of the Mysore Prohibitions Act, rules, regulations, orders and the conditions of this license.

2. The privilege conferred herein extends to the possession and retail sale of denatured spirit/methylated spirit/methyl alcohol to members of the public in quantities not exceeding the limits prescribed for possession without a license.

3. The licensee shall obtain his supplies of denatured spirit/ methylated spirit/methyl alcohol from any of the following sources :

(a) a distillery in the State ; or

(b) the holder of a license in Form D.L.2 ; or

(c) sources outside the State by import ; or

(d) such other sources as the Prohibition Commissioner may in special cases permit.

The import or transport from the sources of supply to the licensed premises of the licensee, shall be in accordance with the provisions of the rules.

The import or transport from the sources of supply to the licensed premises of the licensee, shall be in accordance with the provisions of the rules.

4. The quantity of denatured spirit/methylated spirit/methyl alcohol possessed at any time and that sold under the terms of the license shall not exceed the limits specified below :—

Kind of spirits	Quantity that may be possessed at any one time	Quantity that may be sold	
		In a Quarter	In a year or the period of currency of license
Denatured spirit ...	Gls. or litres	Gls. or litres	Gls. or litres
Methylated spirit ...			
Methyl alcohol ...			

5. (*a*) The licensee shall not sell at any one time more than two litres of three reputed quarts of Denatured spirit/one litre or 1½ reputed quart of methylated spirit/one litre or 1½ quart of methyl alcohol to any person or institution other than the holder of a license issued under the rules, provided that in case of a registered medical practitioner, the licensee may sell at one time methylated spirit up to a maximum of six reputed quarts or four litres.

(*b*) The licensee shall not sell denatured spirit, methylated spirit, methyl alcohol to any person or allow any person to remove such spirit from his licensed premises unless such person or his agent or servant, who shall be authorised in writing by such person to make the purchase on his behalf, gives correct and full particulars required to fill in columns 8 to 11 of the form of account in form D.L. 13 and signs his name or affixes his left thumb impression in column 12 of the form of account referred to above and unless the licensee is satisfied that the particulars furnished by the purchaser or his authorised agent or servant are true and that the denatured spirit/methylated spirit/methyl alcohol demanded is required *bona fide* by the said person for any of the purposes specified in the Act.

(*c*) The licensee shall issue a bill for each item of sale of denatured spirit/methylated spirit/methyl alcohol. The number and date of the bill shall be entered in the account.

6. The licensee shall maintain daily account of transactions under the license in Form D.L. 13. The accounts in respect of denatured spirit/methylated spirit/methyl alcohol, as the case may be, shall be

on different opening in the accounts. The licensee shall maintain an inspection book paged and stamped with the seal of the Deputy Commissioner.

Station : Signature of the Deputy Commissioner,
Date : .....District.
Seal of the Deputy Commissioner.

FORM D.L. 6.

(*See* Rule 12)

Form of license for possession and use of Denatured spirit in the manufacture of Denatured Spirituous Preparations and use or sale of Denatured Spirituous Preparations, in wholesale to licenses.

Use/sale Number of license .....
.....District.

License is hereby granted and issued to ..... (hereinafter called as "the Licensee") to possess and use denatured spirit in the manufacture of Denatured Spirituous Preparations and to use/sell Denatured Spirituous Preparations at ..... (hereinafter called the "licensed Premises") in the village/town of ..... Taluk ..... District ..... during the year ending with 31st March 19..... subject to the following conditions :—

CONDITIONS.

1. The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961, the rules, regulations and orders made thereunder and the conditions of this license.

2. The privilege conferred herein extends to the postession of denatured spirit and its use in the manufacture of Denatured Spirituous Preparations and to the use of the Denatured Spirituous Preparations so manufactured or its sale to holders of licenses in Forms D.L. 7, D.L. 8 and D.L. 9. It does not extend both to the use of Denatured Spirituous Preparations by the licensee and to its sale, nor shall denatured spirit obtained by the licensee be sold as such.

3. The licensee shall obtain his supplies of denatured spirit from any of the following sources namely :—

(*a*) a distillery in the State ; or
(*b*) holder of a license in form D.L. 2 for wholesale vend of Denatured spirit in the State ; or
(*c*) sources outside the State ; or
(*d*) such other sources as the Prohibition Commissioner may in special cases approved.

The import or transport of denatured spirit from the source of supply to the licensed premises of the licensee shall be in accordance with the provisions of the rules.

4. The quantity of denatured spirit possessed at any one time and the quantity used in the manufacture of Denatured Spirituous Preparations in a quarter and in a year or the period during which the license will be current, shall not exceed the following limits :—

Kind of spirits	Quantity that may be possessed at any one time	Quantity that may be used for the manufacture of Denatured Spirituous Preparations.	
		In a Quarter	In a year or period of currency of license.
(1)	(2)	(3)	(4)
	Gls. or Litres	Gls. or Litres	Gls. or Litres

5. The licensee shall, if so required by a Prohibition and / or Excise Officer of the District concerned, give notice to the Prohibition and/or Excise Officer having jurisdiction over the area in which the licensed premises are situated, whenever he proposes to manufacture Denatured Spirituous Preparations, furnishing the date and time at which manufacture shall start and the duration for which the manufacturing operations shall last, so that the Prohibition and/or Excise Officer, may at his discretion, inspect the licensed premises at the time of manufacture and if he considers it necessary take samples of the Denatured Spirituous preparations manufactured for purposes of analysis so as to ascertain the resinous contents. The licensee shall not sell or otherwise dispose of the stock of Denatured Spirituous Preparations in cases where samples are taken by the Prohibition Officer for the purpose of testing, unless the release of the stock for sale is authorised by the Prohibition Officer in writing or six weeks have elapsed since the Prohibition Officer took samples of denatured spirituous preparations manufactured by the licensee.

6. The licensee shall not sell at any one time denatured spirituous preparations in quantities exceeding :—

(*a*) the limit allowed for possession at a time by the purchasing licensee in the case of sale to holders of licenses ;

(*b*) the licensee shall not sell Denatured Spirituous Preparations to any person or allow any person to remove Denatured Spirituous Preparations from the licensed premises unles such person or his agent er servant who shall be authorised in writing by such person to make the purchase on his behalf.

(i) declares the purpose for which the denatured spirituous preparation is required.

(ii) gives correct and full particulars required to fill in columns 6 to 8 of the form of account in Form D.L. 17 and

(iii) signs his name, or if he is illiterate, affixes his left thumb impression in column 12 of the form of account referred to in clause (ii) above and unless the licensee is satisfied that the particulars furnished by the purchaser or his authorised agent or servant are true and that the denatured spirituous preparations demanded is required *bona fide* by the said person for any of the purposes specified in the Act.

(*c*) The licensee shall issue a bill for each item of sale of Denatured spirituous preparations. The licensee shall issue a transport permit in Form. D.L. 23 to cover the transport of the Denatured spirituous preparations sold and the transport permits shall be in printed forms, serially numbered and shall bear the office seal of the Deputy Commissioner The number and date of the transport permit as also those of the bill shall be entered in columns (9) and (10) respectively of the accounts in Form D.L. 17.

The licensee shall also note the contents on the label affixed to every bottle or other container in which denatured spirituous preparation is sold or exhibited for sale in the licensed premises.

Note :—This condition will be scored out of the license is for use of Denatured Spirituous preparations.

7. The licensee shall maintain acconnts of daily transactions under this license in Form D.L. 14 or D.L. 17 as the case may be, according as the Denatured spirituous preparations manufactured is used by the licensee himself, or is sold.

The licensee shall maintain correct accounts in respect of the ingredients such as shellac, resin, etc. purchased for the manufacture of denatured spirituous preparations and produce proof of purchase and the accounts for verification, if so required by the Inspecting Officers. The licensee shall also maintain an inspection book prescribed under the rules.

Station :
Date : Signature of the Deputy Commissioner
.....District

The seal of the Deputy Commissioner.

FORM D.L.—7

(*See* Rule—13)

Number of License .....District

License for the possession and use of Denatured Spirituous Preparations

License is hereby granted and issued to... .... (hereinafter called "The licensee") to possess and use denatured spirituous preparations at..... .... (hereinafter called as 'the licensed premises") in the village/town of.....Taluk..... . ..... District..... during the year ending with 31st March 19..... subject to the following conditions, namely :—

CONDITIONS

1. The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961, rules, regulations and orders made thereunder and the conditions of the license as amended from time to time.

2. The privilege conferred herein extends to the possession of denatured spirituous prepartions and its use by the licensee. The licensee shall not sell denatured spirituous preparations.

3. The licensee shall obtain his supplies of denatured spirituous preparations from :—

(*a*) the holder of a license in Form D.L. 6 for the manufacture and wholesale sale of denatured spirituous preparations ; or

(*b*) from the holder of a license in Form D.L. 9 for the possession and sale of Denatured spirituous preparations ; or

(*c*) sources outside the State by import ; or

(*d*) such other source as the Prohibition Commissioner in special cases may approve.

The import or transport of denatured spirituous preparations from the source of supply to the licensed premises of the licensee shall be in accordance with the provisions of the rules.

4. The quantity of denatured spirituous preparations possessed at any one time and used by the licensee in a quarter and

in a year or the period of currency of license shall not exceed the limits specified below :—

Kind of Commodity	Quantity that may be possessed at any one time	Quantity that may be used	
		In a quarter	In a year or the period of currency of the license
1	2	3	4
Denatured spirituous Preparations	Gallons or litres	Gallons or litres	Gallons or litres

5. The licensee shall maintain daily accounts of the transactions under the license in Form D.L. 15 and an inspection book prescribed under the rules.

Station.....
Date.....

Signature of the Deputy Commissioner.
.....District.

Seal of the Deputy Commissioner.

FORM D. L. 8

(See rule 14)

No. and date of License .... District

License for the possession of denatured spirituous preparations by an officer of the Railway for use and distribution to out-stations or other Railway stations in Mysore State under his control.

License is hereby granted and issued to..... .. (hereinafter called "The licensee") to possess denatured spirituous preparations at .....(hereinafter called "the licensed Premises") in the village/town.....Taluk .. ...District..... ..... for use and distribution to out-stations or other railway institutions in Mysore State under his control during the year ending with 31st March 19.....subject to the following conditions, namely :—

CONDITIONS

1 The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961, rules, regulations and orders made thereunder and the conditions of this license.

2 The privilege conferred herein extends to the possession and use of denatured spirituous preparations by the license and its distribution to the outstations and railway institutions mentioned in the license upto the limit specified in each case. The licensee is prohibited from selling denatured spirituous preparations.

3 The licensee shall obtain his supplies of denatured spirituous preparations from any of the following sources, nemely :—

(*a*) the holder of a license in Form D.L. 6 in the State for the manufacture and wholesale vend of denatured spirituous preparations ;

(*b*) the holder of a license in Form D.L. 9 for possession and sale of denatured spirituous preparations ;

(*c*) sources outside the State by import or

(*d*) any other sources as the Prohibition Commissioner may in special cases approve.

The import or transport of denatured spirituous preparations from the sources of supply to the licensed premises of the licensee shall be in accordance with the provisions of the rules.

4 The quantity of denatured spirituous preparations that may be possessed at any one time and that may be used under the terms of

this license in a quarter and in a year or during the period of currency of the license shall not exceed the following limits;

Kind of commodity	Quantity that may be possessed at any one time	Quantity that may be used or issued	
		In a quarter	In a year or period of currency of the license
(1)	(2)	(3)	(4)
	Gls. or litres	Gls. or litres	Gls. or litres
Denatured spirituous preparations			

5 The licensee shall not issue to any outstations or other railway institutions denatured spirituous preparation in excess of the limits prescribed for respective stations or institutions and entered in the license. The licensee shall issue a transport permit in Form D. L. 23 to cover every transport from the licensed premises to the out-stations or institutions or issues of Denatured spirituous preparations exceeding 3 quarts or 2 litres at a time.

6 The licensee shall maintain daily accounts of transactions under the license in Form D. L. 16. Similar accounts in the same form shall also be maintained in each of the out-stations or railway institutions supplied by the licensee and the licensee shall be responsible for the correct maintenance of accounts at such out-stations or institutions. The licensee shall maintain an inspection book in accordance with the rules.

Name of the out-stations or Railway Institutions to which the denatured spirituous preparation is allowed to be issued by the licensee.	Maximum quantity to be issued	
	Monthly	Annually
(1)	(2) Gls. or litres	(3) Gls.or litres

Station :
Date and Seal of the
Deputy Commissioner.

Signature of the Deputy Commissioner.
..... District

FORM D.L. 9

(See Rule 15)

No. and date of License .....District.

License for sale of denatured spirituous preperations

License is hereby granted and issued to.....(hereinafter called " the licensee ") to possess and sell denatured spirituous preparations at.....(hereinafter called " the licensed premises ") in the village/town..... .. .. .. taluk .....distric,..... ..... during the year ending with 31st March 19 ....subject to the following conditions, namely :—

CONDITIONS

1. The licensee shall be bound by the provisions of the Mysore Prohibition Act, 1961, rules, regulations and orders made thereunder as amended from time to time, and also by the conditions of this license.

2. The privilege conferred herein extends to the possession and sale of denatured spirituous preparations either in wholesale to holders of licenses or in retail to private persons or institutions not holding a license.

3. The licensee shall obtain his supplies from any of the following sources ;

(*a*) The holder of a license in Form D.L. 6 for manufacture and wholesale sale of denatured spirituous preperations ; or

(*b*) The holder of a similar license in Form D.L. 9 for possession and sale of Denatured spirituous preperations ; or

(*c*) Sources outside the State by import ; or

(*d*) Such other sources as the Prohibition. Commissioner may in special cases approve.

The import and transport of denatured spirituous preparations from the sources of supply to the licensed premises of the licensee shall be in accordance with the provisions of the rules.

4. The quantity of denatured spirituous preparations possessed at any one time and that sold under the terms of the license in a quarter and in a year or in the period of currency of the license shall not exceed the limits, specified below.

	Quantity that may be	Quantity that may be sold	
Commodity.	possessed at any one time.	In a quarter,	In a year or the period of currency of the license.
1	2	3	4
Denatured spirituous preparations.	(Gls. or litres.)	(Gls. or litres.)	(Gls. or litres.)

5 (a) The licensee shall not sell at any one tim. denatured spirituous preparations in quantities exceeding.—

(i) The limit allowed for possession at a time in case of sale to holders of licenses,

(ii) 7½ quarts or 5 litres in the case of sale to private persons or institutions not holding a license.

(*b*) The licensee shall not sell or allow any person to remove denatured spirituous preparations from the licensed premises unless such person or his agent or servant who shall be authorised by such person to make the purchase on his behalf:

(i) declares the purchase for which the denatured spirituous preparation is required, and

(ii) gives correct particulars to fill in column 6 to 8 of the Form of account in Form D.L. 17, and

(iii) signs his name or if he is illiterate affixes his left thumb impression in column 12 in the form of account referred to above and unless the licensee is satisfied that the particulars furnished by the purchaser or his authorised agent or servant are true and that the denatured spirituous preparations demanded are required *bonafide* by the said person for any of the purposes specified in the Act;

(c) The licensee shall issue a bill for each item of sale of denatured spirituous preparations. If the quantity sold in the transaction is in excess of 7½ quarts or 5 litres the licensee shall issue a transport permit in Form D.L. 23. The No. and date of the transport permit as also those of the bill shall be entered in Columns 9 and 10, of the accounts in Form D.L. 17. The licensee shall also note the contents of Denatured spirituous preparations on the lable affixed to every bottle or other container in which denatured spirituous preparation is sold or exhibited for sale in the licensed premises.

6. The licensee shall maintain daily accounts of transactions under the license in Form D.L. 17. The licensee shall also maintain an inspection book numbered and stamped with the seal of the Deputy Commissioner.

Station

Signature of the Deputy Commissioner.

Date and Seale of the Deputy Commissioner. *District*.....

FORM D.L. 10.

(*See* Rule 8)

Account to be maintained by holder of license in Form D. L. 2 for the wholesale vend of Denatured spirit/Methylated spirit/Methylated alcohol.

Opening balance			Receipts		Total (opening balance *plus* receipts)		Issues or sales		
Date	Number of casks or other receptacles	Quantity — Gls. or litres	From where received permit number and date	Number of casks or other receptacles	Quantity — Gls. or litres	Number of casks or other receptacles	Quantity [column (3) *plus* column (6)] — Gls. or litres	Name and address of purchaser (particulars of license held by purchaser)	
1	2	3	4	5	6	7	8	9	

1080

FORM D.L. 11

[*See Rule 9 (7)*]

Account to be maintained by holder of a license in Form D.L. 3 for possession and use of Denatured spirit/Methylated spirit/Methyl. alcohol either as such or for use in the manufacture or preparation of commodities other than denatured spirituous preparation.

Date	Opening Balance	Receipts		Total (opening balance *plus* receipts) (column (2) *plus* column (4))	Issues			Total issues for the day (column (6) *plus* column (8))
		From whom received	Quantity		For use as such	For manufacture of preparation of commodity		
		Permit number and date				Name of commodity	Quantity	
1	2	3	4	5	6	7	8	9
	Gls. or litres		Gls. or litres	Gls. or litres	Gls. or litres		Gls. or litres	Gls. or litres

Issues or sales (cont.)				Total issues (for the day)			Closing Balance		
Quantity allowed to be possessed at a time by the purchaser	Number of indent with date. Number and date of transport permit issued	Number of casks or other receptacles	Quantity — Gls. or litres	Number (with date of the bill of sale)	Number of casks or other receptacles	Quantity — Gls. or litres	Number of casks or other receptacles	Quantity [column (8) *minus* column(16)] — Gls. or litres	Remarks
10	11	12	13	14	15	16	17	18	19

Closing balance (column (5) *minus* Column (9))	Commodities manufactured or prepared			Remarks
	Name of Commodity	Quantity of commodity (unit to be specified in each case)	Equivalent value in terms of denatured spirit/Methylated spirit/ Methyl alcohol of quantity in column (12)	
10	11	12	13	14
Gls. or litres				

	Issues or sales (cont.)			Total issues (for the day)			Closing Balance		
Quantity allowed to be possessed at a time by the purchaser	Number of indent with date. Number and date of transport permit issued	Number of casks or other receptacles	Quantity — Gls. or litres	Number (with date of the bill of sale)	Number of casks or other receptacles	Quantity — Gls. or litres	Number of casks or other receptacles	Quantity [column (8) *minus* column(16)] — Gls. or litres	Remarks
10	11	12	13	14	15	16	17	18	19

FORM D.L. 11

[*See Rule 9 (7)*]

Account to be maintained by holder of a license in Form D.L. 3 for possession and use of Denatured spirit/Methylated spirit/Methyl. alcohol either as such or for use in the manufacture or preparation of commodities other than denatured spirituous preparation.

Date	Opening Balance	Receipts		Total (opening balance *plus* receipts) (column (2) *plus* column (4))	Issues			
		From whom received	Quantity		For use as such	For manufacture of preparation of commodity		Total issues for the day (column (6) *plus* column (8))
		Permit number and date				Name of commodity	Quantity	
1	2	3	4	5	6	7	8	9
	Gls. or litres		Gls. or litres	Gls. or litres	Gls. or litres		Gls. or litres	Gls. or litres

	Issues or sales (cont.)			Total issues (for the day)			Closing Balance		
Qnantity allowed to be possessed at a time by the purchaser	Number of indent with date. Number and date of transport permit issued	Number of casks or other receptacles	Quantity — Gls. or litres	Number (with date of the bill of sale)	Number of casks or other receptacles	Quantity — Gls. or litres	Number of casks or other receptacles	Quantity [column (8) *minus* column(16)] — Gls. or litres	Remarks
10	11	12	13	14	15	16	17	18	19

FORM D.L. 13

(*See Rule 11(4)*

Account to be maintained by the holder of a license in Form D.L. 5 for the retail sale of denature spirit, mythylated spirit/mythyl alcohol.

Date	Opening balance	Receipts		Total opening balance and receipts (column 2 *plus* column 4)	Particulars regarding sale		
		From whom received / Permit number & date	Quantity		Quantity sold in each transaction	Number (with date) or bill of sale	Name and father's name of purchaser
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Gls. or litres		Gls. or litres	Gls. or litres	Gls. or litres		

Particulars regarding sale (*contd*)				Quantity sold each day	Closing balance (column 5 minus column 13)	Remarks
Address of purchaser	Purpose for which required	Name and address of the authorised agent or servant making the purchase	Signature or left thumb impression of purchaser agent or servant making purchase			
(9)	(10)	(11)	(12)	(13)	(14)	(15)
				Gls. or litres	Gls. or litres	

FORM D.L. 14

(See Rule 12(4)

Account to be maintained by the holder of a license in Form D.L. 6 for the possession and use of Denatured spirit in manufacture of denatured spirituous preparations.

Date	Opening balance	Receipts		Total (Column 2 *plus* column 4)	Issued or taken for the manufacture of denatured spirituous preparations	Closing balance	Quantity of denatured spirituous preparations manufactured	Remarks
		From whom received / Permit number and date	Quantity					
1	2	3	4	5	6	7	8	9
	Gls. or litres		Gls. or litres	Gls. or litres	Gls. or litres	Gls. or litres	Gls. or litres	

FORM D.L. 15

[*See Rule 12(4)*]

Account to be maintained by holder of a license in Form D.L. 6/D.L. 7 for use of Denatured spirituous preparations.

Date	Opening balance	Receipt		Total (column 2 *plus* column 4)	Quantity taken or issued for use	Closing balance	Remarks
		From whom received	Quantity				
		Permit number and date					
1	2	3	4	5	6	7	8
	Gls. or litres		Gls. or litres	Gls. or litres	Gls or litres	Gls. or litres	

FORM D.L. 16

See Rule 14 (4)

Account to be maintained by holder of a license in Form D.L. 8 (Officer of the Railway for possession and use of Denatured Spiritnous Preparations and its distribution to out stations or other Railway Institutions in Mysore State under his control.)

Date	Opening balance	Receipts			Total [column (2) *plus* column (4)]
		From whom received	Permit No. and date	Quantity	
1	2	3		4	5
	Gls. or litres			Gls. or litres	Gls. or litres

1698

FORM D.L. 17

(*See* Rule 15 (8)

Account to be maintained by holder of a license in Form D.L. 6—D.L. 9 for sale of Denatured Spirituous Preparations.

Date	Opening balance	Receipts		Total (Column (2) *plus* column (4)	Issues or sales			
		From whom received	Quantity		Name of Purchaser	Address of purchaser (if purchaser is a licensee, particulars of license held)	Purpose for which required	
	Gls. or litres	Permit Number and date	Gls. or litres	Gls. or litres				
1	2	3	4	5	6	7	8	

1160

Issues					
Issued or taken for use by the licensee himself	To out Stations and Railway institutions (Name of the institution permit number and date)	Quantity	Total quantity issued each day	Closing balance (column 5 *minus* column 9)	Remarks
6	7	8	9	10	11
Gls. or litres		Gls. or litres	Gls. or litres	Gls. or litres	

1098

Issues or sales—(*contd.*)

Number and date of indent, number and date of transport permit in case of sales to licensee	Number with date of the bills of sale	Quantity sold or issued in each transactions	Signature or left thumb mark of the purchaser or his authorised agent or servant	Total quantity sold or issued each day	Closing Balance (Column (5) *minus* Column (13)	Remarks
		Gls. or litres		Gls. or litres	Gls. or litres	
9	10	11	12	13	14	15

FORM D. L. 11

(See *Rule*—16)

Indent for Denatured Spirit/Methylated spirit/Methyl Alcohol/ Denatured Spirituous Preparations.

From

To

Sir,

Please supply me the commodities mentioned below, I note the number of my license for your information.

Sl. No.	Kind of Commodity indented for	Quantity indented for	Remarks
		Gls. or litres.	

Advice copy of permit to be sent to Prohibition Officer

..... District.

Date of receipt of indent.

Date of issue.

Transport permit No.

Dated.

License Holder (indentor).

Supplying licensee.

FORM D. L. 19 (*a*)

(*See* Rule 18).

Denatured Spirit.

Spirit made in.....

and denatured in .....

Poison

Not to be taken internally.

Skeleton

FORM D. L. 19 (*b*)

(*See* Rule 18)

Methylated spirit
Spirit made in.....
and methylated in .....

Skeleton.

Poison
Not to be taken
internally

FORM D. L. 19 (*c*)

(*See* Rule 18).

Methyl Alcohol
made in .....

Skeleton

Poison

Not to be taken
internally

FORM D. L. 20

(*See* Rule 18).

Denatured Spirituous Preparations French Polish/Varnish/Thinner (contains shellac or percent of resinous matter weight in volume).

Manufactured by holder of license.....

Sold by holder of license.....

FORM—D.L. 21

(*See* Rule 4).

Permit for the export of Denatured spirit/Methylated spirit, Methyl alcohol/Denatured Spirituous preparations

No. District.....

Sri/Sriyuths.....is/are hereby permitted to export by road/rail/sea the following quantities of denatured spirit/methylated spirit/methyl alcohol/denatured spirituous preparations from.....in this State to.....in the State of.....

Kind of Commodity	Particulars of receptacles			Quantity Gls. or litres	Apparent strength of spirit/Denatured spirituous preparations
	S. No.	Kind (with capacity of each kind of receptacle)	Description with marks if any	---	
Denatured Spirit ...					
Methylated Sprit ...					
Methyl Alcohol ...					
Denatured Spirituous preparations.					

2. This permit shall be valid for the period from.....to..... and shall accompany the consignment. It shall be used only once during its currency.

3. The consignment shall be exported in one lot and shall not be broken in transit, nor shall it be diverted or brought back into the State of Mysore after export.

4. The permit holder shall as soon as possible (in any case within one month from the date of expiry of this permit) produce proof of the consignment having reached the destination in.....State.

Seal.

Signature
Designation
(Permit Issuing Authority).

FORM D.L. 23

District.....

Permit for the transport of Denatured spirit/Methylated spirit/Methyl Alcohol/Denatured Spirituous Preparations.

Sri/Sriyuths.....is/are hereby permitted to transport by road/rail/sea the following quantities of denatured spirit/methylated spirit/methyl alcohol/denatured spirituous preparations from.....to,.....

Kind of Commodity	Particulars of receptacles			Quantity	Apparent strength of spirit/ Denatured Spirituous Preparations
	S. No.	Kind (with capacity of each kind of receptacle)	Description with marks if any		
Denatured spirit ... Methylated spirit ... Methyl Alcohol ... Denatured spirituous preparation.					

2. This permit will be valid for the period from.....to.....and shall accompany the consignment. It shall be used only once during its curreney.

3. The consignment shall be transported in one lot and shall not be broken in bulk during transport.

4. The consignment shall be verified by an officer of the Prohibition and/or Excise Department authorised in that behalf before it is opened and taken into account. But no such verification is necessary in cases in which the permit is issued by licensees authorised to issue the permit under the rules.

Signature
Designation
(Permit issuing authority).

By Order and in the name of the Governor of Mysore,

SHANKARA RAO,
Secy. to Govt., Home Department.

No. HD 68 EFL 62]

FORM—D.L. 22

(*See* RULE 5)

No..... District.....

Permit for the Import of Denatured spirit/Methylated spirit/ Methyl Alcohol/Denatured Spirituous preparations.

Sri/Sriyuths.....is/are hereby permitted to import by road/rail/sea the following quantities of denatured spirit/methylated spirit/methyl alcohol/Denatured Spirituous Preparations from.....State to.....in this State.

Kind of Commodity	Particulars of receptacles			Quantity Gls. or Litre	Apparent strength of DNS/ MS/MA/ DSP
	S. No.	Kind (with capacity of each kind of receptacles)	Description with mark if any		
Denatured spirit Methylated spirit Methyl alcohol ...					
Denatured ...					
Spirituous ...					
Preparations ...					

2. The permit will be valid for the period from.....to ....and shall accompany the consignment. It shall be used only once during its currency.

3. The consignment shall not be broken in bulk while in transit. The import shall be made in one lot. It shall be opened at the destination only in the presence of an officer of the Prohibition and or Excise Department authorised to verify the consignment and shall be taken into account only after his verification.

4. The permit holder shall give prompt intimation to the officer of the Prohibition and/or Excise Department so that verification can be done expeditiously and the verification report sent to the authority which issued the permit within ten days of arrival of the consignment at the place of destination.

Signature

Designation

(Permit Issuing Authority)

Seal

FORMULAE FOR DENATURED ALCOHOL

Description.	*Remarks.*
I. Completely Denatured Alcohol :—	
Formula No. CD. 1. 05 gallons of Pyridine basis and 0. 5 gallons of light and cutchoucine per 100 gallons of alcohol.	Specifications of Pyridine bases of light coutchoucine have been laid down by I.S I. and may be adopted.
Formula No. CD. 2. 5 Gallons of Woodnaphtha for every 100 gallons of alcohol.	Specifications for woodnaphtha have been laid down by I.S.I.

II. Specially denatured Alcohol :—

(*a*) For all industrial uses involving Chemical conversion of the Alcohol *e.g.*, manufacture of ethylene and its derivatives manufacture of acetaldehyde and its derivatives, manufacture of ether, acetone etc.

Formula No. SD. 1 : 5 gallons of Methyle Alcohol.

Formula No. SD. 2 : 2 Gallons of Methyle Alcohol with 2 Gallons of Benzene.

Formula No. SD. 3 : Half a gallon of Benzene with half a gallon of Petroleum Ether.

Formula No. SD. 4 : 5 Gallons of Ethyl Ether.

Formula No. SD. 5 : 0·2 Gallons of Crotonal Dehyde.

Formula No. SD. 6 : 0·5 Gallons of Acetone.

Formula No. SD. 7 : 0·5 Gallons of Acetaldol or acetaldehyde.

(*b*) For use in the manufacture of Chloroform, Chlorol and its derivatives including D.D.T.

Formula No. SD. 8 : 1 Gallon of Crude Chloroform.

Formula No. SD. 9 : 1 per cent by weight chloral Hydrate.

(*c*) For manufacture of Ethyl Acetate, Ethyl Benzoate and various other ethyl esters.

Formula No. SD. 10 : 2 per cent of esters of the organic acid which is to be produced.

(*d*) For use (i) As a solvent in Lacquers, polishes and Varnishes.

(ii) Manufacture of Thinners and of Cellulose and resinous materials.

(iii) Purification of Chemicals.

(iv) For use in extraction processes.

Formula No. SD. 11 : 5 Gallons of Methyle Alcohol or Benzene or acetone or Ether or Ethyl Acetate or any combination of these chemicals.

(*e*) For manufacture of Adhesives of binders, disinfectants, insecticides, embalming and preserving solution etc.

Formula No. SD. 12 : 10 Gallons of formaldehyde solution containing not less than 37 per cent formaldehyde.

(*f*) For manufacture of Shellac from Crude Lac.

Formula No. SD. 13 : 1 per cent of Acetone or 1 per cent of Methyl Alcohol.

(*g*) For manufacture of Transperent Soap :

Formula No. S.D. 14 : 0·5 per cent of Caustic Soda together with 0·5 per cent of Castor Oil.

(*h*) For manufacture of Synthetic pine Oil.

Formula No. S.D. 15 : 5 per cent of Turpentine Oil.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 7th April 1965.

G.S.R. 602.—The following draft of the Workmen's Compensation (Mysore) Rules, 1964, which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (i) of section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) is hereby published for information of the persons likely to be affected there by and notice is hereby given as required by sub-section (1) of Section 34 of the said Act that the said draft will be taken into consideration on or after 1st November 1965.

Any objection or suggestion which may be received by the State Government from any person with respect to the aforesaid draft before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Public Health, Labour & Munl. Administration Department, Vidhana Soudha, Bangalore-1.

The Mysore Workmen's Compensation Rules, 1964.

PRELIMINARY.

1. *Short Title* :—These Rules may be called the Mysore Workmen's Compensation Rules, 1964;

2. *Definition* :—In these rules unless the context otherwise requires,—

(*a*) 'Act' means the Workmen's Compensation Act, 1923;

(*b*) 'Form' means form appended to these rules.

(*c*) 'Section' means a section of the Act.

PART I

Review of half-monthly payments and communication thereof.

3. When application may be made without Medical Certificate:—Application for review of a half-monthly payment under section 6 may be made without being accompanied by a Medical Certificate—

(*a*) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased ;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished ;

(*c*) by the workman, on the ground that the employer having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation ;

(*d*) either by the employer or by the workman, on the ground that in the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means ;

(*e*) either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

4. Procedure on application for review :—If, on examining an application for review by an employer in which the reduction or discontinuance of compensation is sought, it appears to the Commissioner that there is reasonable ground for believing that there is a right to such reduction or discontinuance, he may at any time issue an order withholding such compensation in whole or in part pending his decision on the application.

Under Section 7

5. Procedure on application for Commutation:—(1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half monthly payments by the payment of a lumpsum, the Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half monthly payments which would be payable for the period during which he estimates that the disablement will continue less one half per cent of that total for each month comprised in that period.

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

The application referred to above shall be in Form No. 10.

(2) When in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation and Registration of Dependents.

Under Section 8 (1) :—
(Rule 6 to 8)

6. Deposit under Section 8 (1) :—(1) An employer depositing compensation with the Commissioner under sub-section (1) of Section 8 in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form 1, and shall be given a receipt in Form 3.

In other cases of deposits with the Commissioner under sub-section (1) of Section 8, the employer shall furnish a statement in Form 2 and shall be given receipt in Form 3.

(2) If when depositing compensation in respect of total accidents the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation afford to the employer an opportunity of establishing that the person or persons to whom he proposes to allot such sum is not a dependant of the deceased workman ; that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of Section 8 shall be in Form 4.

7. Publication of Lists of Deposits.—The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of Section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

8. Application by dependents for deposits of compensation.—(1) A dependent of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 9.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules :—

Provided that—

(*a*) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf ;

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the applications on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of Section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Under Section 8 (2).

9. Deposit under Section 8 (2).—An employer depositing compesation in accordance with sub-section (2) of Section 8 shall furnish therewith a statement in Form 5, and shall be given a receipt in Form 6.

Under Section 8 :—

10. Manner in which compensation may be invested under Section 8.—Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased Workman in Government Securities or may be deposited in a Government Savings Bank or Post Office Savings Bank as he deems fit.

11. Dependants of the deceased workmen entitled to Compensation.—Workmen coming under the operation of the Act may register with their employer, and with the Commissioner within whose jurisdiction they are employed the names and addresses of their dependants within the meaning of section 2 (1) (d) and in an enquiry for the distribution of the compensation the Commissioner may, in the absence of any other claimant, presume that for the purposes of apportionment of compensation, the persons whose names have been so registered are the dependants of the deceased workman.

PART III

Reports of Accidents

Under Sections 10-A & 10-B.
(Rules 12 and 13)

12. Report of fatal accidents.—(i) the notice under section 10-A shall be in Form 33.

(ii) the statement submitted by the Employer shall be in Form 34.

(iii) the report required by section 10-B, shall be in Form 7.

13. Right of employer to present memorandum when information received.—(1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident present to the Commissioner memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigations or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV

Medical Examination

Under Section 11 (1) :—

(Rules 14 *to* 17)

14. Medical Examination of workmen :—A workman who is required by sub-section (1) of section 11 to submit himself for Medical Examination shall be bound to do so in

accordance with the Rules contained in this Part and not otherwise.

15. Examination when workmen and Medical Practitioner are both on premises.—When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified Medical Practitioner who is so present, the workman shall submit himself for examination forthwith.

16. Examination in other cases.—In cases to which rule 15 does not apply, the employer may:—

(*a*) send the Medical Practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for Medical Examination on being required to do so by the Medical Practitioner, or

(*b*) send to the workman an offier in writing to have him examined free of charge by a qualified Medical Practitioner, in which case the workman shall submit himself for Medical Examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified

Provided that—

(1) the time so specified shall not be, save with the express consent of the workman, between the hours of 7 P. M. and 6 A. M., and

(2) in cases where the workmen's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for Medical Examination save at such place.

17. Restriction on number of examinations.—A workman who is in receipt of a half-monthly payment shall not be required to submit himself for Medical Examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Under Section 11 (2) and (3):—
(*Rules* 18 *and* 19)

18. Examination after suspension of right to compensation:—If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for Medical Examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

19. Examination of women.—(1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V

Procedure

Under Section 22:—
(*Rules* 20 *to* 23)

20. Introductory.—Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this part.

21. Applications.—(1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so

sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in Form 8 or 9 as the case may be and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

22. Production of documents.-- (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Commissioner be admitted in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

23. Application presented to wrong Commissioner.—(1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party if he has received a copy of the application under Rule 27) accordingly.

(3) The Commissioner to whom the application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Under Section 25.—(*Rules* 24 *to* 39)

24. Examination of applicant:—(1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded, in the manner provided for the recording of evidence in section 25.

25. Summary dismissal of application.—(1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 24 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1) shall not procluded the applicant from presenting a fresh application.

26. Preliminary inquiry into application.—If the application is not dismissed under rule 25 the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

27. Notice to opposite party.—If the Commissioner does not dismiss the application under Rule 25 or Rule 26,

he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to render.

28. Appearance and examination of opposite party.—(1) The opposite party may, and if so, required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

29. Framing of Issues.—(1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

30. Power to postpone trial of issues of fact where issues of law arise :—When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

31. Diary :—The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

32. Reasons for postponment to be recorded.—If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponment.

33. Judgement:—(1) The Commissioner, in passing orders, shall record consisely in a judgement his finding on each of the issues framed and his reasons for such findings.

(2) The Commissioner, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of clerical or arithmetical mistake arising from any accidental slip or omission.

34. Summoning of witnesses:—If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summons for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.

35. Exemption from payment of costs:—If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribad fees, he may remit any or all of such fees. If the case is decided in favour of the applicant the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

36. Right of entry for local inspection:—A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time for the purpose of making a local examination enter the place where workman was injured, or where the workmen ordinarily performed his work, or for examining any persons likely to be able to give information relevant to the proceedings;

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

37. Procedure in connection with local inspection:— If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the ase renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-ection (2) of Section 10, or to the representatives of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof

(5) The memorandum shall form part of the record.

38. Power of summary examination:—(1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by person examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as therein after provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduce to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement, for the purpose of examining or cross-examining the witnesses.

(5) Any statement or part of statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

39. Agreement to abide by Commissioner's decision :— (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Under Section 12 (2) :—(*Rules* 40 *to* 41)

40. Procedure where indemnity is claimed under section 12 (2):— (1) Where the opposite party claims that if

compensation is recovered against him, he will be entitled under sub-section (2) of Section 12 to be indemnified by a person not being a party to the case, he shall when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 11.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party, for any compensation recovered from him:

Provided that if any person so served appears subsequently and satisfied the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form 12.

(4) If any person served with a notice under Sub-Rule (3) desires to contest the applicant's claim for

compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form No. 12 or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the orginal opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to to indemnify the party against whom such award is made for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

41. Procedure in connected cases :—(1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issues is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

42. Certain provisions of Code of Civil Procedure 1908 to apply :—Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil procedure, 1908, namely, those contained in order V : Rules 9 to 30 Order VII, Rules 9 to 18 : Order IX Order XIII : Order XVI : Order XVII : and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto : PROVIDED THAT :—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adopt them to the matter before him ;

(*b*) the Commissioner may, for sufficient reasons proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

43. Any form other than a receipt for compensation which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

44. Apportionment of Compensation among dependants.—The provision of this part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI

TRANSFER

Under Section 21 (2) (*Rules* 45 *and* 46)

45. Transfer for report.—(1) A Commissioner transferring any matter to another Commissioner for report in

42. Certain provisions of Code of Civil Procedure 1908 to apply :—Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil procedure, 1908, namely, those contained in order V : Rules 9 to 30 Order VII, Rules 9 to 18 : Order IX Order XIII : Order XVI : Order XVII : and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto : PROVIDED THAT :—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adopt them to the matter before him ;

(*b*) the Commissioner may, for sufficient reasons proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

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44. Apportionment of Compensation among dependants.—The provision of this part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI

TRANSFER

Under Section 21 (2) (*Rules* 45 *and* 46)

45. Transfer for report.—(1) A Commissioner transferring any matter to another Commissioner for report in

accordance with sub-secton (2) of Section 21, shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case so transferred for report shall not be required to report on any question of law.

46. Transmission of money:—Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII

Appointment of Representatives

47. When representative must be appointed.—Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purpose of the proceeding.

48. When new representative to be appointed.—If the Commissioner considers that the interests of any party for whom a representative has been appointed under Rule 47 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII

RECORD OF MEMORANDUM OF AGREEMENT

Under Section **28** (*Rules* 49 *to* 53)

49. Form of Memorandum.—Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with form 13 or Form 14 or Form 15, as the case may be.

50. Procedure where Commissioner does not consider that he should refuse to record memorandum.—(1) On receiving a memorandum of agreement, the Commissioner shall unless he considers that there are grounds for refusing to record the memorandum fix a date for recording the same, and shall issue a notice in writing in Form 16 to the parties concerned that in default of objections, he proposes to accord the memorandum on the date so fixed.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded :

Provided that the issue of a notice under sub-rule(1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If, on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to the party in Form 17.

51. Procedure where Commissioner considers he should refuse to record memorandum:—(1) If, on receiving a memorandum of aggreement the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form 18 or Form 19 as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub–rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, he Commissioner may, if information has already been given to all such parties concerned record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 50;

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 17 to any party who did not receive information under sub–rule(1).

52. Procedure on refusal to record memorandum:—(1) If, in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons, for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half monthly payments by the payment, of a lumpsum, and

the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record the estimate of the probable duration of the disablement of the workman.

53. Registration of Memorandum accepted for record:— In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form 20 and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following, terms, namely:—

"This Memorandum of Agreement bearing serial No.....of.....19.....in the Register has been recorded this.....day of.... .....

(Signature)
Commissioner.

PART IX

Costs

Under Section 26

(*Rules 54 to 59*)

54. Procedure when costs do not follow the event:— Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

55. Costs to be awarded.—The costs which may be awarded shall include :—

(*a*) The charges necessarily incurred on account of Court Fees.

(*b*) the charges necessarily incurred on substance money to witnesses ; and

(*c*) pleader's fee on the scale prescribed in the following rule.

56. Pleader's Fee:—(a) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10

(b) The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less then Rs. 5 or increase it to a sum not exceeding Rs. 50

(c) In all other applications the pleader's fee shall ordinarily be Rs. 5

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20

57. Costs when more than one pleader is engaged:—When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

58. Apportionment of costs among several respondents :— If several respondents, having substantially one defence to make succeed thereon, not more then one fee shall be allowed and the Court shall apportion it among the several respondents in such manner as it may think fit.

59. When separate costs allowed:—If several respondents have separate and distinct defences to make, they may, if successfull, be allowed seperate costs, whether they are represented by separate pleaders or not.

Fees

Under Section 32 (2) (j) :—
(Rules 60 to 63)

60. Fees payable in respect of application:—The fees payable in respect of proceedings under the Act shall be as prescribed hereunder:—

I. Application for compensation.	
(a) Where Compensation is claimed in the form of recurring payments under clause (d) of sub-section (1) of section 4.	Fifty paise
(b) Where compensation is claimed in in the form of a lumpsum under clause (a) (b) or (c) of Sub-section (i) of Section 4.	(i) where the sum claimed does not exceed Rs. 500/ Re. One and (ii) Where the sum claimed exceeds Rs. 500 One Rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under Section 7.	
(a) Where it is by agreement between the parties.	Fifty paise
(b) In any other case	One Rupee
III. Application for the deposit of compensation:—	
When presented under Section 8 (1).	Nil
When presented under Section 8 (2).	Fifty paise
(In respect of each person to whom compensation is payable ‡)	
IV. Application for apportionment of compensation under Section 8 (1).	One Rupee for each dependent.
V. Application for review:—	
(a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments under Section 6 (2).	Fifty paise
(b) Where the half-monthly payments are sought to be converted into a lumpsum under section 6 (2).	One Rupee

(c) In all other cases.	One Rupee
VI. Application for the Registration of agreements.—	
(a) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under Section 28.	Nil
(b) In any other case.	Fifty paise.
VII. Application to summon witnesses:—	
(b) When the application is to summon a single witness.	Fifty paise.
(b) When the application is to summon more than one witness.	Fifty paise for the first witness and twenty five paise for every subsequent witness.
VIII. Application for indemnification under Section 13.	Three Rupees
IX. Application for the recovery of compensation.	
(a) Under an order already passed by the Commissioner.	Fifty paise.
(b) In all other cases.	The same fee as is payable on a similar application for Compensatoin.
X. All application not otherwise provided for.	Fifty paise.

61. When application may be without fee :—In the case of any application falling under Head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee.

62. When applicant is required to deposit further fee :—When the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid.

63. Manner of Collecting Fees :—All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act.

Under Section 32 (2) (k) (Rules 64 to 67)

64. Registers to be maintained by the Commissioner :—The following registers shall be maintained by the Commissioner :—

1. Register in Form 21 of application for the settlement of any matter filed before the Commissioner ;

2. A Register in Form 22 of Subpoena applications filed before the Commissioner.

3. A Register in Form 23 of processes delivered for service on parties.

4. A Register in Form 24 of Court Fees on all applications filed before the Commissioner ;

5. A Register in Form 25 of deposits received from and repayments made to parties.

6. A Register in Form 26 of Miscellaneous applications filed before the Commissioner ; and

7. A Register in Form 27 showing the receipt and disposal of application for copies of records.

65. (1) All applications presented to the Commissioner shall be headed with a cause-title as in Form 28.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause-title as in Form 29.

66. Particulars to be furnished in the application :—The full name, residence and discription of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form 30 and need not be repeated in the subsequent proceedings in the same applications or petition.

67. List of documents filed :—Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form 31 or a statement signed as aforesaid, that no document is filed therewith.

PROCEDURE.

Under Section 32 (2) (c) (Rules 68 to 76)

68. Manner of Presenting applications :—All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipts by registered post, and if proceedings are thereby instituted shall insert the serial number.

69. Right of party to inspect and obtain copy of document :— Without prejudice to anything contained in the Act or in the Rules framed thereunder by the Government or in these Rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

70. Procedure for inspecting and obtaining copy of documents :—Every party and his representative desiring to inspect or obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form 32 specifying the proceedings or record of which inspection or copy is required.

71. Form of application for inspection of documents :—An application for inspection or copies of records or documents of, or in the custody of, a Court other than records or documents filed in an application or proceedings or matter to which the applicant is a party shall be made in Form 32 and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy

is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record of document to the case of the applicant.

Discretion of Court to grant copies, etc :—The Court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary.

72. Procedure in inspecting documents :—When a person is entitled to inspect a proceeding or document the search thereof shall be made by the Officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required, but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceedings or document or any part thereof or to make extracts therefrom.

73. Certification of copies of documents :—All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and inter lineations made therein.

74. Endorsements of copies of documents :—Every copy shall bear an endorsement showing the following dates :—

1. Application made ;
2. Stamp Papers or charges called for ;
3. Stamp papers or charges deposited ;
4. Copy ready ; and
5. Copy delivered or posted.

75. Fees payable to be in stamp paper :—(1) One Stamp paper of the value of 30 p. shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and words in Kannada with Short suffixes and inflections and shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash.

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

76. Procedure on receipt of application for grant of copies :—(1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp paper or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so required by registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy of inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpollation therein, he shall do so in open Court at the hearing of the application.

Under Section 10 A (i)

77. Form of notice by the Commissioner:—(1) The notice sent by the Commissioner under sub-section (1) of Section 10-A shall be in form 30 and shall be accompanied by a copy of Form 34.

(2) The statement submitted by an employer under Section 10-A shall be in Form 34.

Under Section 32 (2) (1) :

78. Notice Books maintained by establishment:—Notice Books in Form 35 shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed;

(*a*) Textile Mills.
(*b*) Jute Mills.
(*c*) Railway workshops.
(*d*) Distilleries.

Under Section 32 (0) :—

79. Display of notices :—The abstract of the Act required to be displayed in every factory shall be in Form No. 36.

80. Repeal and Savings :—The Bomby Workmen's Compensation Rules 1934, as in force in the Bomby Area, The Hyderabad workmen's Compensation Rules 1351 F as force in Hyderabad area, the Madras Workmen's Compen sation Rules, 1924 as in Madras area and the Mysore Workmen's Compensation Rules 1957 as in force in Mysore area are hereby repeated.

FORM 1.

(*See* Rule 6 (1))

Deposit of Compensation for Fatel Accident.
(Section 8 (1) of the Workmen's Compensation Act).

1. Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries resulting in the death of workman, whose particulars are given below, when occurred on.....

Name..... .....
Father's name..... .....
(Husband's name in case of married woman or widow)..... .....
Religion/Caste.....
Local Address .....
Permanent Address.....

His/Her monthly wages are estimated at Rs ..... He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman, has, prior to the date of his/her death received the following payments as compensation for disablement, namely :—

Rs.....On..... ..... Rs.....On.....
Rs.....On..... Rs.....On.....
Rs.....On..... Rs.....On.....

amounting in all to Rs.....

3. An advance of Rs.....has been made on account of compensation to.....being his/her dependant.

*4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....
Employer.

Date.....196 .

---

*An employer desiring to be made a party to the proceedings should strike out the words " do not ".

FORM 2.

(*See* Rule 6 (1))

Deposit of Compensation for non-fatal accident to a workman or person under legal disability.

(Section 8 (1) of the Workmen's Compensation Act)

Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries sustained by..... .....residing at..... on.....196 , resulting in the loss of/temporary disablement. His/Her monthly wages are estimated at Rs..... He/She was Over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half monthly payments, namely:—

Rs.....On.....	Rs.....On.....
Rs.....On.....	Rs.....On.....
Rs :.....On.....	Rs.....On.....

.....

Employer.

Date.....196 .

FORM 8.

(*See* Rule (6) (1).)

(Deposited under Section 8 (1) of the Workmen's Compensation Act 1923).

Book No: Receipt No: Register No:

Depositor.....

Deceased Workman.....

Date of Deposit.....196 .

Sum Deposited Rs.....

.....

Commissioner.

FORM 4.

[*See* Rule 6 (3)]

Statement of Disbursements.

(Sections 8 (4) of the Workmen's Compensation Act, 1923)

Serial No.....

Depositor.....

Date..... Rs.....

Amount deposited.

.....

Amount deducted and repaid to the employer under the proviso to S. 8 (1).

.....

Funeral expenses paid

.....

Compensation paid to the following dependants.
Name.....relationship.

.....

.....

.....

.....

.....

.....

Total.....

.....

.....

Commissioner.

Date.....196 .

FORM 5

(*See* Rule 9)

Deposit of Compensation for Non-Fatal Accidents.

(Section 8 (2) of the Workmen's Compensation Act 1923)

Compensation amounting to Rs.....is hereby presented for deposit in respect of permanent/temporary injuries sustained by.....residing at.....
.....which occurred on.....196 .

.....

Date.....196 *Employer.*

FORM 6

(*See* Rule 9)

Receipt for compensation.

(Deposited under Section 8 (2) of the Workmen's compensation Act, 1923).

Book No : Receipt No : Register No :

Depositor.....
In favour of.....
Date of Deposit.....19
Sum deposited Rs.....

.....

Commissioner.

FORM 7.

[See Rule 12 (11)]

Report of Serious bodily injury/fatal accidents

To .....

Sir,

I submit herewith the following report of an accident which occurred on ..... (Date), at..... (here-enter details of permises) ..... and which resulted in the death/serious bodily injury of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death/serious bodily injury of the workman/workmen were as under:—

(*a*) Time of the accident.

(*b*) Place where the accident occurred.

(*c*) Manner in which deceased was/were employed at the time.

(*d*) Cause of the accident.

(*e*) Any other relevant particulars.

Yours faithfully,

.....

Signature and Designation of person making the report.

STATEMENT.

Name	Sex	Age	Nature of Employment	Full postal Address
1	2	3	4	5

FORM 8

(*See* Rule 21)

APPLICATION FOR COMPENSATION BY WORKMAN.

TO

The Commissioner for Workmen's Compensation.

.....

Residing at..... .....applicant.

Versus.

....

Residing at..... Opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by the opposite party on the..... .....day of.....19..... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinar language the cause of the injury) .....

....

(2) The applicant sustained the following injuries, namely.....

.. ..

(3) The monthly wages of the applicant amounted to Rs..... the applicant is over/under the age of 15 years.....

(4) * (a) Notice of the accident was served on the..... day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.....

(5) The applicant is accordingly entitled to receive :—

(a) half monthly payments of Rs.....from the .. ..day of .....19.....to.....

(b) a lumpsum payment of Rs.....

(6) The applicant has taken the following steps to secure a settlement by agreement, namely.....but it was proved impossible to settle the questions in dispute because..... .....

---

* You are therefore requested to determine the following questions in dispute namely :—

(*a*) Whether the applicant is a workman within the meaning of the Act.

(*b*) Whether accident arose out of and in the course of the applicant's employment.

(*c*) Whether the amount of compensation claimed is due, or any part of that amount.

(*d*) Whether the opposite party is liable to pay such compensation as is due.

(*e*) etc., (as required).

.....

APPLICANT.

Date.....

FORM 9.

(*See* Rules 8 and 21)

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION

To

The Commissioner for Workmen's Compensation.

.....

Residing at .... applicant.

VERSUS

....

residing at ..... opposite party.

It is hereby submitted that—

1 ..... a workman employed by (a contractor with) the opposite party on the ..... . day of ..... arising out of and in the course of his employment resulting in his death on the .... date of 19

The cause of the injury was (here insert briefly in ordinary language the cause of the injury .....

2 The applicant (s) is/are dependant (s) of the deceased workman being his .....

3 The monthly wages of the deceased amount to Rs..... The deceased was over/under the age of 15 years at the time of his death.

*4 (*a*) Notice of the accident was served on the ..... day of 19

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of .....

5 The deceased before his death received as compensation the total sum of Rs.....

6 The applicant (s) is/are accordingly entitled to receive a lumpsum payment of Rs.....

7 The applicant (s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

---

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) whether the deceased was a workman within the meaning of the Act.

(*b*) whether the accident arose out of and in the course of the deceased's employment.

(*c*) whether the amount of compensation claimed is due, or any part of that amount.

(*d*) whether the opposite party is liable to pay such compensation as is due.

(*e*) whether the applicant (s) is/are dependant (s) of the deceased.

(*f*) How the compensation, when deposited should be distributed.

(*g*) etc ..... (as required)

.....

Date..... 19 Applicant.

FORM 10.

(*See* Rule 5)

APPLICATION FOR COMPENSATION.

(Under Section 7 of the Workmen's Compensation Act 1923)

To

The Commissioner for Workmen's Compensation.

.....

Residing at ..... opposite party.

It is hereby submitted that—

1. The applicant (opposite party) has been in receipt of half-monthly payments from ..... to ..... in respect of temporary disablement by accident arising out of and in the course of his employment.

2. The applicant is desirous that the right to receive half-monthly payments should be redeemed.

3. (a) The opposite party is unwilling to agree to the redemption of the right to receive half-mothly payments.

(b) the parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date..... ..... Applicant.

FORM 11

(*See* Rule 40)

NOTICE.

Whereas a claim for compensation has been made by..... applicant against .....and that said.....has claimed that you are liable under section 12(2) of the Workmen's Compensation Act, 1923 to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicantor the claim for indemnity made by the opposite party. In default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Date .....19 .

.....

Commissioner.

FORM 12

[See Rule 40(3)]

Notice.

Whereas a claim for compensation has been made by .....
.....applicant, against.....
and the said..... .....has claimed that.....
is liabe under Section 12(2) of the Workmen's Compensation Act, to indemnify him against any claim, and whereas the said.....
.....on notice served has claimed that you .....
.. ... stand to him to the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....
.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the said applicant or the claim for indemnity made by the opposite party.....
..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party
.....your liability to indemnify the opposite party.....
.....for any compensation recovered for him.

Date..... 19 .

.....
Commissioner.

FORM 13

(*See* Rule 49)

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the ..... day of .....19 , personal injury was caused to..... .....residing at ..... by accident arising out of and in the course of employment in .....The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than his previous any wages for a period of..... months, The said workman has been in receipt of half-monthly payments which have continued from the .....day of .....19 , until the .....day of.....19 , amounting to Rs ..... in all. The said workman's monthly wages are estimated at Rs ..... The workman is over the age of 15 years/will reach the age of 15 years on.....

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Date .....

Signature of Employer.. .....

Witness. .....

Signature of Workman.... .....

Witness... .....

(Note: --An application to register an agreement can be presented under the signature of one party, provided that the

other party has agreed to the terms. But both signatures should be appended whenever possible.

.....

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of.....

....

Date .....19 . Signature or thumb impression of Workman.

The money has been paid and this receipt signed in my presence.

Witness.....

NOTE :—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM 14.

(*See* Rule 49)

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the..... day of.....19 , personal injury was caused to..... residing at..... by accident arising out of and in the course of his employment in..... The said injury has resulted in permanent disablement to the said workman of the following nature, namely ..... The said workman's monthly wages are estimated at Rs..... The workman is over the age of 15 years/will reach the age of 15 years on..... The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs.....on..... Rs .....on.....
Rs.....on.....Rs.....on.....
Rs .....on .....Rs.....on.....

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full, settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated..... Signature of employer.....

Witness.....

Signature of Workman.....

Witness.....

....

NOTE :—An application to register an agreement can be presented under the signature of one party provided that the other

party has agreed to the terms. But both signatures should appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....

Date..... Signature or thumb impression of the workman.
The money has been paid and this receipt signed in my presence.

Witness.....

NOTE :—This form may be varied to suit special cases *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM 15.

(*See* Rule 49)

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... date of.....19 ..... personal injury was caused to..... residing at ....by accident arising out of and in the course of employment in.....The said injury has resulted in temporary disablement to the said workmen, who is at present in receipt of.....wages amounting to Rs..... per month/on wages. The said workmen's monthly wages prior to the accident are estimated at Rs. ..... The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employer of the workmen has agreed to accept half-monthly payments at the rate of Rs.....for the period of the said temporary disablement. This agreement is subject to the conditions that the amount of half-monthly payment may be varied in accordance with the provisions of the Workmen's Compensation Act on account of an alteration in the earning of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....19 . Signature of employer .....

Witness.....

Signature of workman.....

Witness.....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has

agreed to terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs .....

.....

Signature or thumb impression of the workman.

Date .....19 .

This money has been paid and this receipt signed in my presence.

Witness .....

NOTE :—This form may be varied to suit special cases, *e. g.*, injury by occupational disease, etc.

FORM 16.

(*See* Rule 50)

WHEREAS AN agreement to pay compensation is said to have been reached between..... and.....and whereas..... .....has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act notice is hereby given that the said agreement will be taken into consideration on.....19 . and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....

Date..... ...19 *Commissioner.*

FORM 17.

(*See* Rule 50 (3) & 51 (4)

Take notice that registration of the agreement to pay compensation said to have been reached between you ..... and..... on the .....19 , has been refused for the following reasons, namely :—

. .....

Date.....19 .....

Commissioner.

FORM 18.

(*See* Rule 51 (2)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas..... .... has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought to be registered for the following reasons, namely :—

....

an opportunity will be afforded to you of showing cause on..... ....19 .....why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Date 19

.....

Commissioner.

FORM 19.

(*See* Rule 51 (2)

Whereas an agreement to pay compensation is said to have been reached between.....and whereas has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

an opportunity will be afforded to the said.....of showing cause on.....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date 19

.....

Commissioner.

FORM 20.

(*See* Rule 53)

Register of Agreement for the year 19 .

Sl. No.	Date of agreement	Date of Registration.	Employer.	Work-man.	Initials of Commissioner.	Reference to orders rectifying the Registration.

Dated .....

.....

Commissioner.

FORM 21.

(*See* Rule 64)

Register of applications of the settlement of any matter under the workmen's compensation Act XIV of 1923 in the year...

(1) Date of presentation or receipt of application.	
(2) Number of application.	
(3) Name (4) Description (5) Address	of applicant.
(6) Name (7) Description (8) Address	of the opposite party
(9) Particulars (10) Amount of value (11) When the cause of action accrued.	of claim.

Appearances :

(12) Applicant. (13) Opposite party	Day for parties to appear
(14) Date (15) For whom (16) For What or amount	Judgement.
(17) Date of decision (18) Judgement in	Appeal.
(19) Date of application (20) Date of order. (21) Against whom (22) For what. (23) Amount, if any (24) Amount of costs.	Execution,
(25) Amount paid into court (26) Minute of other return than payment and date of every return.	Return of execution.

NOTE :—Where there are numerous applications or numerous opposite parties the name of the first applicant or the first opposite party, only as the case may be, need be entered in the Register.

FORM 22

(*See* Rule 64)

Register of sub-poena applications filed in the Court of the Commissioner for Workmen's Compensation

	1	Sl. No. and date of receipt	
	2	Settlement application number.	
	3	Applicant's name	
	4	Appl'cant's position in the setl.ment application	
	5	Process fees	
	6	Checking officer's initials	
	7	Date of hear'ng	
	8	Date of issue	
	9	Names of witnesses	
	10	Batta deposited	
	11	To whom delivered for Service and date of payment.	
	12	Mode of service	
	13	Date of Return	Unexpected Bata
	14	Amount	
	15	Date of payment to Treasurer and his initials	
	16	Remarks	

FORM 23

(*See* Rule 64)

Register of Process delivered for service.

Sl. No.	Settlement application number.	Nature of process	Number of copies	Date of delivery for service.	Returnable date	When returned	Mode of Service		Initials of Clerks	Remarks
							Served	Un-served.		
1	2	3	4	5	6	7	8(a)	8(b)	9	10

FORM 24

(See Rule No. 64)

Register of Court fees on applications filed in the Court of the Commissioner for workmen's compensation

Sl. No.	Settlement application number	Nature of application	Court fee	Process Fees	Search Fees	Remarks
1	2	3	4	5	6	7
			Rs. P.	Rs. P.	Rs. P.	

FORM 25

(*See* Rule 64)

Register of deposits received Form and re-payments made to parties

Receipts :

(1) Date.
(2) Number of each deposit.
(3) Reference to application.
(4) From whom received and position of depositor.
(5) Nature of each deposit.
(6) Amount of each deposit.
(7) Initials of the Chief Ministerial Officer.

Re-payments :

(8) Date.
(9) To whom and position of receiptent.
(10) Reference to and date of Commissioner's Order ordering re-payment.
(11) Amount and whether paid in cash or by cheques.
(12) Intials of the Chief Ministerial Officer.

FORM 26

(*See* Rule No. 64)

Statement showing the number of miscellaneous applications filed in the Court of the Commissioner for Workmen's Compensation

Sl No.	Application number	Date of file	Nature of applications	Date of hearing	Date of disposal	Orders
1	2	3	4	5	6	7

FORM NO. 27.

(*See* rule 64)

Register showing the Receipt and disposal of applications for copies in the Court of the Commissioner on Workmen's Compensation.

Month and date	General number	No. of application	Name of applicant	Description of paper	Charges			Given to copyist		Given to Examiner		Copy ready			Date of delivery of copy and return of unused stamps	Signature of Applicant
					When called for	When deposited	No of stamps	Date	Initials	Date	Initials	Date	No of stamps Used	No of stamps Not used		

FORM 28

(*See* Rule 65)

In the Court of the Commissioner for Workmen's Compensation

Application No.....of.....19.....

BETWEEN

(1).....and (2).....Applicants

and

(2).....and (2).....Opposite parties

FORM 29

[*See* Rule 65(2)]

SHORT CAUSE TITLE

In the Court of the Commissioner for Workmen's Compensation

Application No..... of..... .....19.....

BETWEEN

(1).....and... . .....others.....Applicant,

and

(2).....and.....others.....Opposite parties.

FORM 30

(See Rule 66)

(Cause Title)

APPLICATION

The above named applicants state as follows:—

(1) .....the first applicant is a workman and resides at.....

(2) .....The address of the applicants for service of all notices and process is.....

(3) .....the first named opposite party is the employer of.....and resides at.....

(4) (Set out the facts showing the cause of action, in consecutive numbered paragraphs).

(5) The applicants estimate value of the relief sought by them at the sum of Rs.....

(6) The applicants pay that.....

(a) Set out reliefs claimed in successive paragraphs.....

FORM 31
(*See* Rule 67)

List of Documents under Rule..... ..
(Clause Title)

Sl. No.	Date, if any, of document in Kannada and in English	Parties to the document	Description of document

Signed.....

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM 32
(*See* Rules 70 and 71)

Form of Application for Search of Records

To
The Commissioner for Workmen's Compensation.....
The undersigned hereby applies for inspection

Name and address of applicant in full	Description of records as far as possible	Whether copy of inscription is required	Purpose for which inscription or copy is required	Order of court if any, under which application is made
1	2	3	4	5

Dated.....19

Signature of Applicant.

FORM 33

[*See* Rule 12 (1)]

Whereas I have received information that*.....
a workman employed by you in.....at.....
has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section, 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A (2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's
Compensation.

FORM 34

[*See* Rule 12 (ii)]

In reply to your notice, dated the.....19, which was received by me on the..... .....19, it is submitted that.....
.....residing at.....a workman over/under 15 years of age employed in .... met with an accident on the,..... .....19 as result of which he died/received serious bodily injury on the..... .....19 . The monthly wages of the deceased amounted to Rs.....

2. The circumstances in which the deceased met his death/received serious bodily injury were as follows :—

(One of these paragraphs to be struck out).

3. I admit liability to pay as compensation, on account oft he deceas d's death/seriously bodily injury, the amount of Rs.....which was/will be deposited with you on/before the..... 19

4. I disclaim libility to pay compensation on account of the deceased's death/serious bodily injury, on the following grounds :

5. The names and addresses of the dependants of the deceased so far as known to us are—

FORM 35

(*See* rule- -78)

Form of Notice Book required to be maintained under Section 10(3) of the Workmen's Compensation Act, 1923.

Date of accident and time, if known	Name of workman injured	Address of workman injured	Cause of injury	Date and time of Notice	Thumb impression or signature of person giving notice.
1	2	3	4	5	6

FORM NO. 36.

(Prescribed under Ru'e 79)

Abstract of the Workmen Compensation Act 1932.

Interpretation.

(*i*) *Dependent means*—Any of the following relatives of a deceased workman, namely :—

(i) a widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother ; and

(ii) If wholly dependent on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm ;

(iii) If wholly or in part dependent on the earnings of the workman at the time of his death

(a) Widower,

(b) a parent other than a widowed mother,

(c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed and a minor,

(d) a minor brother cr an unmarried sister or a widowed sister if a minor.

(e) a widowed daughter in-law.

(f) a minor child or a pre deceased son,

(g) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(h) a paternal grand parent if no parent of the workman is alive ;

(*ii*) "*Partial disablement means.*—Where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time provided that every injury specified in Schedule I shall be deemed to result in permanent partial Disablement ;

(*iii*) *Total disablement means.*—Such disablement, where of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement ; provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;

Section 2(n) Workmen covered Workman means.—Any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is

(i) a railway servant as defined in section 3 of the Indian Railway Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(ii) Employed on monthly wages not exceeding four hundred repuees, in any such capacity as is specified in Schedule II annexed hereto.

SCHEDULE II.

[*See* Section 2 (1) (n)]

List of persons who, subject to the provisions of Section 2 (1) (n) are included in the definition of workmen.

The following persons are workmen within the meaning of of Section 2 (1) (n) and subject to the provisions of that Section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading of any such vehicle ; or

(ii) Employed, otherwise than in a clerical capacity, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948, is being carried on, or in any kind of work whatsoever

incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or

(iii) Employed for the purpose of making, altering, repairing ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts where of twenty or more persons are so employed; or

(iv) Employed in the manufacture of handling of explosives in connection with the employer's trade of business; or

(v) Employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952, in any mining operation or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) Employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled: or

(b) any ship not included in sub-clause (a), of twenty-five tons net tonnage or over; or

(c) any sea-going ship not included in sub-clause (a) or sub-clause (b) provided with sufficient area for navigation under sails alone; or

(vii) Employed for the purpose of—

(a) loading, unloading, fuelling, constructing, reparing, demolishing, cleaning, or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been dis-charged from or are to be loaded into any vessel;

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caisoons when vessels are entering or leaving dry docks; or

(e) The docking or undocking of any vessel during an emergency ; or

(f) preparing splicing coir springs and check wires, paiting depth marks on lock-sides removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature ; or

(g) any work on jolly-boats for bringing a ship's line to the wharf ; or

(viii) Employed in the construction, maintenance, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof ; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point ; or

(c) any road, bridge, tunnel or canal ; or

(d) any warf, quay, sea-wall or other marine work including any moorings of ships ; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph of telephone line or post or any overhead electric line or cable or post or standard or fittings and fixtures for the same ; or)

(x) employed, otherwise than in a clerical capacity, in the construction, working repair or demolition of any aerial vopeway, canal, pipeline, or sewer ; or

(xi) employed in the service of any fire brigade ; or

(xii) employed upon a railway as defined in clause (4) of Section 3 and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor by a person fulfilling a contract with the railway administration ; or

(xiii) Employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, (or as a telegraphist or as a postal or railway signaller) or employed in any occupation ordinarily involving outdoor work in the Indian posts and Telegraphs Department ; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operation for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation in which on any one day of the preceeding twelve months more than (twenty-five) persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds (twelve) feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceeding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of gas; or

(xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping, or working or elephants or wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a diver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of,—

(a) any warehouse or other place in which goods are stored, and in which on any one day of the preceeding

twelve months ten or more persons have been so employed, or

(b) any market in which on any one day of the preceeding twelve months (fifty) or more persons have been so employed; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contract with radio-active substance ; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934; or

(xxix) employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed, otherwise than in a clerical capacity, in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fittings in any building; or

(xxxii) employed in a circus.

Explanation—In this Schedule, "the preceeding twelve months" relates in any particular case to the twelve months ending with the day on which the accident in such case occurred).

Whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of (the Armed Forces of the Union) and any reference to a workman who has been injured shall where the workman is dead, include a reference to his dependants or any of them.

SCHEDULE II.

Section 3 (*i*) ***Employer's liability for compensation***—(1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable—

(*a*) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(*b*) in respect of any injury not resulting in death, caused by an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Section 4 (*i*) *Amount of Compensation*—

Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(*a*) Where death results from the injury and the deceased workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV the amount shown against such limits in the second column thereof;

(*b*) Where permanent total disablement results from the injury and the injured workman has been in receipt of monthly wages falling within the limits shown in the first column of Schedule IV the amount shown against such limits in the third column thereof.

(*c*) Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Part Z of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of injury not specified in Schedule I, such percentage of the compensation payable in the case of

permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

(*d*) Where temporary disablement, whether total or partial, results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV a half monthly payment of the sum shown against such limits in the fourth column thereof, payable on the sixteenth day—

(i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or

(ii) after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days.

and therefore half-monthly during the disablement or during a period of five years, whichever period is shorter;

Provided that—

(*a*) There shall be deducted from any lumpsum of half monthly payments to which the workman is entitled the amount, of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lumpsum or of the first half-monthly payment, as the case may be; and

(*b*) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

Explanation.—Any payment or allowance which the workman has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation within the meaning of clause (a) of the proviso.

(2) on the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

SCHEDULE-I.

[*See* Section 2 (1) and (4).]

List of Injuries deemed to result in permanent partial disablement.

Sl. No.	Description of injury	Percentage of loss of earnings capacity
1	2	3
	Part I	
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential	100
5	Very severe facial disfigurement ...	100
6	Absolute deafness	190
	Part II	
	Amputation cases upper limbs (either arm)	
1	Amputation through shoulder joint ...	90
2	Amputation below shoulder with stump less than 8 from tip of acromion	80
3	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon ...	70
4	Loss of hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
5	Loss of thumb and its metacarpal bone ...	30
6	Loss of thumb and its metacarpal bone ...	40
7	Loss of four fingers of one hand	50
8	Loss of three fingers of one hand ...	30
9	Loss of two fingers of one hand	20
10	Loss of terminal phalanx of thumb ...	20
	Amputation cases–lower limbs.	
11	Amputation of both feet resulting in end bearing stumps	90
12	Amputation through both feet proximal to the metatarso phalangeal joint	80
13	Loss of all toes of both feet through the metatarso, phalangeal joint	40
14	Loss of all toes both feet proximal to the proximal interphalangeal joint	30

1	2	3
15	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
16	Amputation at hip	90
17	Amputation below hip with stump not exceeding 5″ in length measured from tip of great trenchanter	
18	Amputation below hip with stump exceeding 5″ in length measured from tip of great trenchanter but not beyond middle thigh ..	70
19	Amputation below middle thigh to 3½″ below knee	60
20	Amputation below knee with stump exceeding 3½″ but not exceeding 5″ ...	50
21	Amputation below knee with stump exceeding 5″	40
22	Amputation of one foot resulting in endbearing ...	30
23	Amputation through one foot proximal to the metatarsophalangeal joint	30
24	Loss of all toes of one foot through the metatarsophalangeal joint	20
	Other injuries.	
25	Loss of one eye, without complications, the other being normal	
26	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	
	Loss of	
	A—Fingers of right or left hand. Indes Finger.	
27	Whole	14
28	Two phalanges	11
29	One phalanx	9
30	Guillotine amputation of tip without loss of bone...	5
	Middle Finger.	
31	Whole	12
32	Two phalanges	9
33	One phalanx	7
34	Guillotine amputation of tip without loss of bone...	4
	Ring or little Finger.	
35	Whole	
36	Town Phalanges	

1	2	3
37	One phalanx ...	5
38	Guillotine amputation of tiwithout loss of bone ...	2
	B—Toes of right or left foot Great toe.	
39	Through metatarso phalangeal joint ...	14
40	Part, with some loss of bone	3
	Any other toe	
41	Through metatarso-phalangeal joint ...	
42	Part, with some loss of bone	
	Two toes of one foot, excluding great toe.	
43	Through metatarso phalangeal joint ...	
44	Part, with some loss of bone	
	Three toes of one foot, excluding great toe.	
45	Through metatarso phalangeal joint ...	6
46	Part, with some loss of bone	3
47	Through metatarso phalangeal joint ...	9
48	Part, with some loss of bone	3

SCHEDULE IV.

(*See* Section 4)

Compensation Payable in Certain Cases.

Monthly wages of the Workman injured		Amount of compensation for		Half-monthly payment as compensation for temporary disablement.
		Death	Permanent total Disablement	
1	2	3		4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. P.
0	10	1.000	1,400	Half his monthly wages
10	13	1,100	1,540	Do
13	18	1,200	1,680	6 50
18	21	1,260	1,764	7 00
21	24	1,440	2,016	8 00
24	27	1,620	2,268	8 50
27	30	1,800	2,520	9 50
30	35	2,100	2,940	9 50
35	40	2,400	3,360	10 00
40	45	2,700	3,780	13 00
45	50	3,000	4,200	13 00
50	60	3,600	5,040	18 50
60	70	4,200	5,880	18 50
70	80	4,800	6,720	20 00
80	100	6,000	8,400	26 00
100	150	7,000	9,800	37 50
150	200	7,000	9,800	52 50
200	300	8,000	11,200	60 00
300	400	9,000	12,600	75 00
400	...	10,000	14,000	87 50

2. If a workman employed in any employment specified in part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any

employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment specified in part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment.

2-A. if any disease specified in part C of Schedule III as an occupational disease perculiar to that employment has been contracted by any workman during the continuous period specified under sub-section (2) in respect of that employment and the workman has during such period been employed in such employment under more than one employer, all such employers shall be liable for the payment of compensation under this Act in such proportion as the Commissioner may in the circumstances, deem just.

SCHEDULE III

(Section 3)

List of Occupational Diseases

Occupational disease	Employment
PART A	
Anthrax	Any employment— (a) involving the handling of wool, hair bristles or animal carcases or parts of such carcases, including hides, hoofs and horns; or (b) in connection with animals inflected with anthrax; or (c) involving the loading, unloading or transport of any merchandise

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
Compressed air illness or its sequelae	Any process carried on in compressed air ;
Poisoning by lead tetra ethyl.	Any process involving the use of lead tetra ethyl.
Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
Poisoning by organic phosphorus insecticides.	Any process involving the use or handling or exposure to the Fumes dust or vapour containing any organic phosphorus insecticide.
PART B	
Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra ethyl.	Any process involving the handling or use of lead ore or lead or any of its preparations or compounds except lead tetra ethyl.
Poisoning by phosphorous or its compounds, or its sequelae.	Any process involving the liberation or use or handling of Phosphorous or its preparations or compounds.
Poisoning by mercury, its amalgams and compounds or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene, or its homologues their amido and nitroderivatives or its sequelae.	Any process involving the manufacture, liberation or use of benzene, benzene homologues and their amido and nitro-derivatives.
Chrome ulceration or its sequalae.	Any process involving the use of chromic acid or bichromate or ammonium pottasium or sodium. or their preparations or the manufacture of bichromate.
Poisoning by arsenic or its compounds, or its sequaelae.	Any process involving the production liberation or utilisation of arsenic or its compounds.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
Pathological manifestations due to :—	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epithelliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral Oil, paraffin or the compounds, products or residues of these substances.
Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives.	Any process involving the manufacture, liberation and use of hydrocarbons of the Aliphatic series and their halogen derivatives.
Poisoning by carbon disulphide or its sequelae.	Any employment in— (a) the manufacture of carbon disulphide ; or (b) the manufacture of artificial silk by viscose prccess ; or (c) rubber industry ; or (d) any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from corbon disulphide.
Occupational cataract due to infra-redr adiations.	Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.
Poisoning by manganese or a compound of manganese or its sequelae.	Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese or a substance containing manganese."
Telegraphist 's Cramp.	Any employment involving the use of the telegraphic instruments.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
	PART C
Silicosis.	Any employment involving exposure to the inhalation of dust containing silica.
Coal Miners' Pneumoconiosis.	Any employment in coal mining.
Asbestosis	Any employment in— (1) The production of— (i) fibro cement materials; or (ii) asbestos mill board; or (2) the processing of ores containing asbestos.
Bagassosis.	Any employment in the production of bagasse Millboard or other articles from bagasse.
	Section—9
Compensation not to be assigned, attached or charged.	Save as provided by this Act, no lump sum or half monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.
	Section—10
Notice and claim	(1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within (two years) of the occurrence of the accident or in case of death, within (two years) from the date of death.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
	Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of Section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease; Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the (entertainment of a claim). (*a*) If the claim is (preferred) in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred. or (*b*) if the employer (or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed) had knowledge of the accident from any other source at or about the time when it occurred. Provided, further, that the Commissioner may (entertain) and decide

List of Occupational Diseases (*contd.*)

Occupationl disease	Employment
	any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been (preferred), in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or (prefer) the claim, as the case may be, was due to sufficient cause. (2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon (any one of) several employers or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed. (3) The (State Government) may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any person acting *bona fide* in his behalf. (4) A notice under this section may be served by delivering it at, or sending it by registered post addressed, to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice-book.

List of Occupational Diseases (*contd.*)

Occupationl disease	Employment
	Section—12
Contracting.	(1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the Contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed. (2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor (or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this Section he shall be entitled to be indemnified by any person standing

List of Occupational Diseases (*contd.*)

Occupa:ionl disease	Employment
	to him in the relation of a contractor from whom the workman could have recovered compensation) and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner. (3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal. (4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.
	Section—17
Contracting Out.	Any contractor agreement whether made before or after the commencement of this Act, whereby a workman relinquished any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.
	Section—24
Appearance of parties	Any appearance, application or act required to be made or done by any person before or to a Commissioner

List of Occupational Diseases (*concld.*)

Occupational disease	Employment
	(other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector appointed under sub-section (1) of Section 8 of the Factories Act, 1948, or under sub-section (1) of Section 5 of the Mines Act, 1952, or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or with the permission of the Commissioner, by any other person so authorised.

[No PLM 19 LWA 62.]

By Order and in the name of the Governor of Mysore,

K. M. SOMASHEKAR, *Under Secy.*

Home Secretariat.

NOTIFICATION

Bangalore Dated 21st July 1965.

G. S. R. 603.—In exercise of the powers conferred by Sections 21, 21-J, 41, 65, 67, 68, 70, 91, 105, 107, 111-A and 133-A of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and all other powers enabling it in this behalf, the Government of Mysore hereby makes the following further amendments to the Mysore Motor Vehicles Rules 1963, draft amendments having been published in pages 595 to 607 in Part IV-Section 2 (c) (i) of the *Mysore Gazette*, dated 27th May 1965 under Notification No. HD 115 TMR 1963, dated 20th April 1965 as required by sub-section (1) of Section 133 of the said Act.

Amendment.

1. Title.—These rules may be called the Mysore Motor Vehicles (Fourth Amendment) Rules, 1965.

2. Amendment of rule 3:—In the Mysore Motor Vehicles Rules, 1963 (hereinafter referred to as the said rules), in rule 3, after clause (r) the following clause shall be inserted, namely:—

"(rr) 'Government Treasury' means the treasury or the sub-treasury of the district or sub-division or the office of the Regional Transport Officer where a treasury is opened for the purpose of collection of taxes, and other amounts under the Mysore Motor Vehicles Taxation Act, 1957, the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 and the Motor Vehicles Act, 1939, and the rules made thereunder".

3. **Amendment of rule 5 :**—In rule 5 of the said rules,—

(i) in sub-rule (3) after the words "Contract Carriage" the words "other than motor cab and Auto-rickshaw" shall be inserted;

(ii) at the end of sub-rule (3), the following shall be added, namely:—

"Provided that for grant of authorisation to drive a Motor cab, it shall be sufficient if the applicant has had two years' experience in driving any motor vehicle other than a motor cycle, and provided further that for grant of authorisation to drive an Auto-rickshaw, no previous experience in driving shall be necessary".

4. **Amendment of rule 12.**—In rule 12 of the said rules, clause (*c*) of proviso to sub-rule (3), for the words "to eaving the army" the words "prior to leaving the said Army" shall be substituted.

5. **Amendment of rule 23.**—In rule 23 of the said rules, in clause (*ix*), for the figures "221" the figures "220" shall be substituted.

6. **Amendment of rule 25.**—In rule 25 of the said rules, in clause (4),—

(i) after the words "in Kannada" the words "or in Hindi" shall be inserted; and

(ii) for the words "by any Officer of the Motor Vehicles or Police Department" the words, "any Officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or any officer of the Police Department not below the rank of a Sub-Inspector of Police" shall be substituted.

7. **Amendment of rule 26.**—In rule 26 of the said rules, in clause (17),—

(i) after the words "in Kannada", the words, "or in Hindi" shall be inserted; and

— (ii) for the words "any officer of the Motor Vehicles or Police Department", the words. "any officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or any officer of the Police Department not below the rank of a Sub-Inspector of Police" shall be substituted.

8. Amendment of rule 51.—In Rule 51 of the said rules,—

(i) in clause (1) for the words "Bush Coat" the words "Khaki Bush Coat" shall be substituted ; and

(ii) after clause (2), the following shall be inserted as clause (3), *viz* :—

"(3) Khaki Cap".

9. Amendment of rule 56.—In rule 56 of the said rules,—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely :—

"(2) (*a*) The fee for a duplicate registration certificate issued under sub-rule (1) of rule 64 shall be rupees five.

(*b*) The fee for a duplicate registration certificate issued under sub-rule (2) of rule 64 shall be rupee one".

(ii) after sub-rule (5) the following sub-rule shall be inserted, namely :—

"(5A). The communication of the altered address to the original registering authority under sub-section (2) of Section 50 of the Act shall be in Form 28 (A) AAD".

10. Amendment of rule 60.—In rule 60 of the said rules in the proviso, for the figures , the figures "69" shall be subtituted.

11. Amendment of rule 61.—In rull of the said rules,—

(i) in sub-rule (3) for the words and figures "Form 35" the words, figures and letters "Form 35 R. M. I" shall be substituted;

(ii) in sub-rule (5) for the figures "55", the figures "56" shall be substituted.

12. Amendment of rule 64.— In rule 64 of the said rules, in sub-rule (1) for the words, figures and letters "Form No. 35 R M. I" the words, figures and letters "Form 36 C. R. I. D." shall be substituted.

13. Amendment of rule 67.— In rule 67 of the said rules, for the figures "33", the figures, brackets and letter "33 (b)" shall be substituted.

14. Amendment of rule 69.—In rule 69 of the said ules, in sub-rule 5,—

(i) after the words and figure "not more than 3 figures", the words "and followed by one letter of the ralphabet in respect of each certificate" shall be inserted;

(ii) for the word, figures and letters "Form 40 T. C. A.", the word, figures and letters "Form 41 T. C." shall be substituted.

15. Amendment of rule 70.— In rule 70 of the said rules, in sub-rule (3), for the figures "53", the figures "54" shall be substituted.

16. Amendment of rule 79.— In rule 79 of the said rules, in sub-rule (1), [at the end Clause (iii) the words 'not below the rank of an Inspector of Motor Vehicles" shall be added.]

17. Amendment of rule 84.—In rule 84 of the said rules, for the number and the heading, the number and heading "*84. Certificate of Fitness,—Lost, destroyed or defaced*" shall be substituted.

18. Amendment of rule 88.—In rule 88 of the said rules, after sub-rule (1), the following proviso shall be inserted, namely :—

"Provided that in the case of every official member of the State Transport Authority or a Regional Transport Authority, his appointment as a member shall be made and notified by virtue of office".

19. Amendment of rule 91.—In rule 91 of the said rules, in sub-rule (1) at the end of the proviso, the words "and a copy of the agenda of the subjects to be considered at a public hearing shall also be caused to be published on the notice board of the Office of the Secretary of the Regional Transport Authority at least seven days before the date fixed for the public hearing" shall be added.

20. Insertion of new rule 95-A.—After rule 95 of the said rules, the following rule shall be inserted, namely :—

"**95-A. Delegation of powers by Regional Transport Authorities to their Chairmen** :—The Regional Transport Authority, may for the convenient and prompt despatch of its business, by a general or special resolution and subject to such condition as may be specified therein, delegate to its Chairman the following powers, namely :—

(*a*) power under section 63 of the Act to grant countersignatures for permits in respect of public carriers and private carriers plying on inter-State routes ;

(*b*) power under inter-State agreements to make recommendations or nominations for grant of countersignatures in respect of public carriers and private carriers plying on inter-State routes. ".

21. Amendment of rule 96.—In rule 96 of the said rules, in clause (xiii), for the words, figures and brackets " Section

59 (1) and 60 (1) ", the words, figures and brackets, "Sections 59 (1) and 61 " shall be substituted.

22. Amendment of rule 109.—In rule 109 of the said rules, in the heading after the words " Additional conditions ", the words " for Stage Carriages " shall be inserted.

23. Insertion of new rule 109-A.—After rule 109 of the said rules, the following rule shall be inserted, namely :—

" **109-A. General conditions of permits for transport vehicles** :—It shall be a condition of the permit of every transport vehicle that the holder thereof,

(*i*) shall ensure that the vehicle is driven only by a driver duly authorised in this behalf under the provisions of the Act and the rules thereunder ;

(*ii*) shall not use the vehicle or cause or allow it to be used in the commission of any offence punishable under the Indian Penal Code or any other law for the time being in force ".

24. Amendment of rule 112.—In rule 112 of the said rules,—

(1) in sub-rule (2), for the words " at notified stations ", the words " at such Police stations as may be notified by the State Transport Authority from time to time " shall be substituted.

(2) after sub-rule (3), the following shall be inserted as sub-rule (4), *viz.*,—

" (4) The owner of a goods vehicle shall maintain a Way Bill Register in Form No. 15-A.WBR and shall furnish the extracts of the said register to the Secretary of the Regional Transport Authority at the end of each month ".

25. Amendment of rule 115.—In rule 115 of the said rules, for sub-rule (13) the following sub-rule shall be substituted, namely :—

"(13) The agent shall when on duty, wear in a conspicuous place on his left breast a metal badge illustrated in Appendix VII to these rules issued by the Regional Transport Authority inscribed therein, the name of the authority by which the licence has been granted and the words "Ticket Booking Agent" together with an identification number. The licence so issued shall not be transferable and shall be surrendered by the Agent to the Regional Transport Authority in the event of his licence being suspended, cancelled or not renewed. The fee for issue of the Agent's badge shall be Rs. 2. If the badge is lost or destroyed a duplicate badge shall be issued on payment of a fee of Rs. 2 by the Regional Transport Authority which issued it".

26. Amendment of rule 117 .—In rule 117 of the said rules, in sub-rule (1), for the figures "112" the figures "116" shall be substituted, and for the word and figures "Rule 114" the words and figures "Rules 115 and 116" shall be substituted.

27. Amendment of rule 120.—In rule 120 of the said rules, in sub-rule (iii), after the words "the Temporary permit" the words "or the Special permit" shall be inserted.

28. Amendment of rule 142 .—In rule 142 of the said rules, in sub-rule (2) for the words "and convenient parking places", the words " Convenient parking places and a notice board exhibited at a prominent place showing the timings of departure of Stage Carriages starting from that particular place and also arrival timings for the information of the public" shall be substituted.

29. Amendment of rule 154.—In rule 154 of the said rules, in sub-rule (7), for the word, figures, and letters "Form No. 78 LLA", the word, figures and letters "Form 80 L.Ad.A" shall be substituted.

30. Amendment of rule 164.—In rule 164 of the said rules, after clause (e), the following clause shall be inserted, namely :—

"(f) An officer of the State Excise Department not below the rank of an Assistant Inspector of Excise":—

31. Insertion of new rule 197-A.—After rule 197 of the said rules, the following rule shall be inserted, namely :—

"**197-A. Fitment of Tacograph for Transport Vehicles.**—

(1) Every transport vehicle other than a motor cab, tractor and trailer shall be fitted with an instrument (hereinafter referred to as Tacograph) at all times to indicate and record on the graph fitted to it (hereinafter referred to as the chart), the speed at which the vehicle is travelling or has travelled.

(2) A Tacograph shall be deemed to satisfy the requirements of this rule if upon test it is found to be accurate within ten per cent above or below the speed specified for the vehicle in the Eighth Schedule to the Act.

(3) The owner or driver of the vehicle shall before the commencement of the trip, fill up the particulars in the centre field of the chart.

(4) The chart shall be replaced by fresh chart once in every twenty four hours after adjusting the chart to the time of commencement or resumption of journey.

(5) The used charts shall be preserved by the owner of the vehicle for a period of one year and shall be made available for inspection to an officer of the Police Department not below the rank of a

Sub-Inspector or an officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles.

(6) A vehicle fitted with Tacograph shall not be required to be fitted with a speedometer under rule 197".

32. Amendment of Rule 200 .—In rule 200, of the said rules, in sub-rule (2), the figures and word "3 inches", shall be omitted.

33. Amendment of Rule 201 .—In rule 201 of the said rules, in the first proviso to sub-rule (1), for the words " thirty-four feet", the words "Thirty-six feet" shall be substituted.

34. Insertion of new rule 210-A.—After Rule 210 of the said rules, the following rule shall be inserted, namely :—

" **210-A. Annual inspection of certain motor vehicles.**— Every motor vehicle other than a transport vehicle, the age of which exceeds 25 years, shall be subject to an annual inspection and examination by the Inspector of Motor Vehicles. The test for such motor vehicles shall be mainly in respect of three items, namely, brakes, steering control and light. If the vehicle does not come up to the standard of requirements in respect of the said items, the Registering Authority shall, if it is the original registering authority in respect of that vehicle, cancel the certificate of registration, or if it is not the original registering authority, shall forward the report and the certificate of registration to the original registering authority which shall cancel the registration and the certificate of registration".

35. Amendment of Rule 217 .—In Rule 217 of the said rules, after the words "in Stage Carriages", the words "and also in contract carriages owned by the factories connected with defence and plied for the use of their employees" shall be inserted.

36. Omission of rule 318 .—Rule 318 of the said rules shall be omitted.

37. Amendment of rule 327 .—In rule 327 of the said rules, after sub-rule (3), the following sub-rule shall be added, namely :—

"(4) The driver of a transport vehicle other than a motor cab shall slow down the vehicle to a speed of not more than five miles when he is within a distance of 50 yards from a fast moving light motor vehicle coming from the rear and shall not exceed that speed till the other vehicle completely overtakes his vehicle."

38. Amendment of Rule 331.—In rule 331 of the said rules, in clause (iii) (*a*) of sub-rule (3) for the words "after sunset", the words "before sunrise" shall be substituted, and for the words "before sunrise", the words "after sunset" shall be substituted.

39. Insertion of new Rule 367-A.—After rule 367 of the said rules, the following rule shall be inserted namely:—

"**367—A.—Powers of Officers of the Motor Vehicles Department.**—Any officer of the Motor Vehicles Department of and above the rank of an Inspector Motor Vehicles shall exercise the powers under the provisions of sections 73, 86 (1), 88, 89 (*b*), 90, 106 (1) and (3), 128, 129 and 129A."

40. Amendment of Rule 368.—In rule 368 of the said rules, the following sentence shall be added at the end of the second paragraph, *viz.*—

"The Stars and the shoulder badges shall be worn on green ribbon".

41. Amendment of Appendix I.—In Appendix I to the said rules,—

(1) in Form 1 LTVA, the words beginning with "I possess adult first aid certificate" and ending with words "and attach the same herewith" shall be omitted;

(2) after Form No. 15 (G. V. R.), the following Form shall be inserted, namely.—

"FORM No. 13-A WBR

[Rule 112 (4)]

Strike where not applicable.

RECORD OF DAILY HAULAGE

Neam and address of the permit holder. ....

Type of permit. Permanent / Temporary

Registration No. of vehicle .....

Carrier. Public / Private

Date .....

Sl. No. of trip	Name and address of sender or Booking Agent(s)	Name and address of consignee(s)	Name of commodity carried	Weight (mds) Quintals.
1	2	3	4	5

*Origin	Designation	No. of miles/ kilometers (*i.e.*, distance between 6 & 7)	Md. Miles/ Quintal KMs. performed (Col. 5 × Col. 8)	Freight charged (In Rupees)	Remarks
6	7	8	9	10	11

Signature of
Permit holder.....

Licence No. of
Driver and Signature.....

N.B.–If more than one commodity is carried during the same trip or booked between places enroute, the debits of each commodity have to be shown separately in separate lines under all columns.

*Generally origin and destination of the vehicles will be origin and destination of cargo. In case they are different, origin and destination of cargo/es may be inserted under Col. (6) and (7) respectively with a note in the remarks column showing the origi and destination of the vehicle".

(3) After Form No. 28 C. R. Temp. A., the following Form shall be inserted, namely :—

" FORM No. 28 (A)—AAD

(Rule 56-A)

Communication to the Original Registering Authority of alteration of address of the owner of a Motor Vehicle.

To

The Registering Authority,

.....Region.

The address of the registered owner of Motor Vehicle bearing registration No.....has been altered from (1).....(2).....
....with effect from.....

Place.....
Dated.....

Registering Authority,
.....Region.

Note :—(1) Here enter the address of the owner as entered in the Registration certificate of the vehicle prior to the alteration.

(2) Here enter the new address of the owner ;

(4) In Form No. 64 P. Pr. C., for the word, figures and brackets, " Rule 104 (viii) ", the word, figures and brackets " Rule 104 (vii) " shall be substituted ;

(5) In Form 65 P. PU. C., for the word, figures and brackets " Rule 106 (vii) ", the word, figures and brackets " Rule 104 (viii) " shall be substituted;

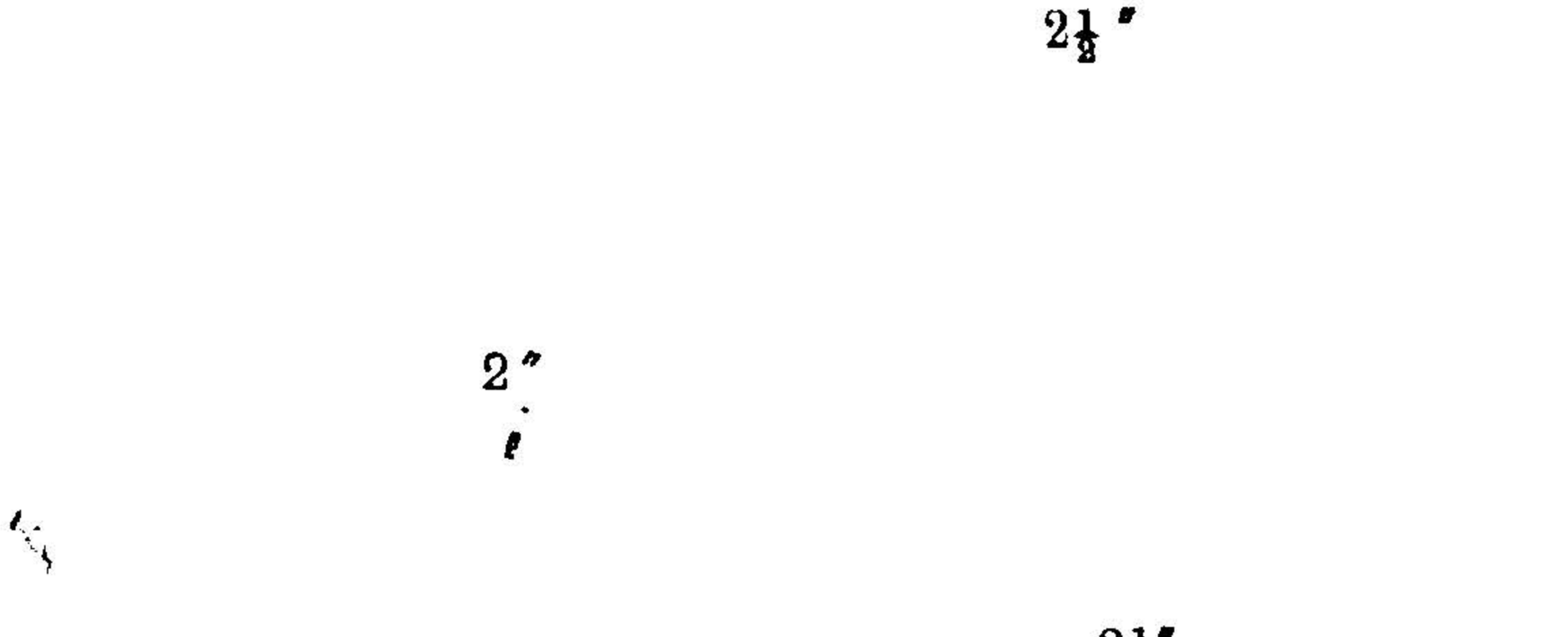
(6) In Form No. 68 T. G., for the figures and letters " 68 T. G. " the figures and letters " 68 T. G. R " shall be substituted.

42. Insertion of new Appendix VII.—After Appendix VI to the said rules, the following shall be added as Appendix VII, namely,—

APPENDIX VII

[Rule 115 (13)]

Specimen of Agents' Badge issued under sub-rule (13) of Rule 115.



[No. HD 113 TMR 63.]

By Order and in the name of the Governor of Mysore,

32 V. RAMANATHAN, *Under Secy.*

NOTIFICATION.

Bangalore, dated 17th July 1965.

G. S. R. 604.—In exercise of the powers conferred by Section 44 of the Road Transport Corporations Act, 1950 (Central Act LXIV of 1950), the Government of Mysore hereby makes the following rules further to amend the Mysore State Road Transport Corporation Rules, 1961, namely :—

1. Title.—These rules may be called the Mysore State Road Transport Corporation (Amendment) Rules, 1965.

2. Amendment of rule 21.—In sub-rule (1) of rule 21 of the Mysore State Road Transport Corporation Rules, 1961, for the words "eleven members", the words "thirteen members" shall be substituted.

[No. HD 7 TRC 65.]

By Order and in the name of the Governor of Mysore,

130 V. RAMANATHAN, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

CORRIGENDUM.

G.S.R. 605.—In rule 9(1) of the Mysore Municipalities (President and Vice-President) Election Rules, 1965, issued in Notification No. PLM 12 MLR 64, dated 5th March 1965 and published as GSR. 421 in part IV, section 2(c)-(i) of the *Mysore Gazette*, Extraordinary, dated 5th March 1965.

For the brackets and letter "(d)" occurring in line four, the brackets and letter "(c)" shall be substituted.

[No. PLM 12 MLR(1) 64.]

By Order and in the name of the Governor of Mysore,

131 B. VENKATARAMIA, *Deputy Secy.* (Special)

Development, Panchayati Raj and Co-operation Secretariat.

NOTIFICATION.

Bangalore, dated 21st July 1965.

G. S. R. 606.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules further to amend the Mysore General Service (Development Branch and Local Government Branch) (Recruitment) Rules, 1962, namely :—

1. Title.—These rules may be called the Mysore General Service (Development Branch and Local Government Branch) (Recruitment) (First Amendment) Rules, 1965.

2. Amendment of the Schedule.—In the Schedule to the Mysore General Service (Development Branch and Local Government Branch) (Recruitment) Rules, 1962, in the entries relating to the category of post of Principals of Gramasevak Training Centres—

(i) for the entries in column 2, the following entries shall be substituted, namely :—

"Fifty per cent by promotion of Instructors of the Gramasevaks' Training Centres holding class II posts on the basis of seniority-*cum*-merit, seniority being determined with reference to the length of service in the class II post; and Fifty per cent by deputation of officers of the departments of Development, Agriculture, Animal Husbandry, Co-operation, Health, Education or Industries, holding a post of an equivalent grade".

(ii) the entries in column 3 shall be omitted.

V. V. GIRI,
Governor of Mysore.

[No. DPC 128 DTC 64.]

By Order and in the name of the Governor of Mysore,

129 S. Nagesha Rao, *Under Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(1)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Dated 28th July 1965

G.S.R. 607.—The following draft of the Mysore Municipalities Octroi Model Bye-laws, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by clauses (*m*) and (*gg*) of sub-section (1) of Section 324 read with sub-section (1) of Section 325 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), is hereby pnublished as required by sub-section (1) of Section 325 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 8th September 1965.

Any objection or suggestion which may be received from any person with respect to the draft bye-laws by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT MYSORE MUNICIPALITIES OCTROI MODEL BYE-LAWS, 1965.

1. *Title.*—These bye-laws may be called the Mysore Municipalities Octroi Model Bye-laws, 1965.

2. *Definitions.*—In these bye-laws unless the context otherwise requires,—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'Form' means a form appended to these bye-laws;

(*c*) 'section' means a section of the Act.

3. *Dutiable article to pass through octroi stations.*—No article liable to octroi shall be brought within the municipality except through the octroi stations specified by the municipal council.

4. *Inspection, etc.*—The octroi stations at which goods shall be liable to inspection shall be on the roads speified by the municipal council, or the bonded warehouse, or post office or railway station as the case may be. Every person bringing dutiable goods into the municipal limits shall report the fact at the first of the octroi stations on the route by which it is brought. All officers of the octroi department authorised in this behalf may inspect the contents of any conveyance or package.

5. *Post Office.*—(1) Any person receiving articles liable to octroi through post shall pay the duty to the octroi officials on duty in or near such post office.

(2) The addressee or any agent of the addressee or the person receiving from or taking delivery of articles through the post office shall file a declaration about the contents or value of the articles received together with the documents such as invoices, receipts or correspondence.

(3) If no such declaration is filed and no duty is paid, the person receiving the articles or the addressee whether resident within the municipal limits or not, shall produce the articles or cause them to be produced before the Municipal Commissioner, or the Chief Officer as the case may be.

6. *Assessment and collection of octroi near the railway station.*—The Octroi official in charge of an octroi

station established near a railway station or goods yard shall assess and collect octroi on the goods with reference to the railway receipt of invoice produced by the person bringing the goods.

7. *Table of octroi.*—A table showing the octroi leviable shall be open to inspection by any person at the municipal office and copies thereof shall be supplied without any charge to any person requiring the same. Such table shall also be affixed in a conspicuous place at every octroi station at which octroi is levied.

8. *Establishment of bonded warehouse.*—The municipal council shall provide a bonded warehouse for the custody of goods which may be declared as intended for temporary detention within the municipal limits and for eventual transport outside the municipal limits or for being brought within the municipal limits after payment of octroi.

9. *Working hours of bonded warehouse.*—The bonded warehouse shall be kept open for transaction from 7 A.M. to 10 A.M. and 2 P.M. to 5 P.M. daily except on Sundays, and holidays authorised by the municipal council. Arrangement shall be made by the municipal council for dealing with perishable articles on Sundays and holidays.

10. *Issue of pass.*—When goods are to be taken to the bonded warehouse, a pass in Form I shall be issued to the person bringing the goods at the octroi station at which such goods are brought into the municipal limits.

11. *Depositing declaration.*—Any person depositing goods in the bonded warehouse shall, unless the officer-in-charge of the octroi station has previously by weighing, counting or appraising, ascertained the amount of octroi payable thereon, give a declaration in writing in Form II of the description, weight, quantity, and if necessary of the value, of such goods.

12. *Issue of receipt.*—A receipt in Form III shall be given by the officer-in-charge of the bonded warehouse for all the goods deposited in the bonded warehouse and a register of all such goods shall be maintained by him in Form IV showing the date of deposit, the description of the goods deposited and the date of removal of the goods and the storage fees paid, if any.

13. *Depositor to obtain receipt and produce it for delivery.*—It shall be the duty of the depositor to obtain a receipt for articles deposited by him and the Octroi Department shall not be responsible for any goods left at the premises which are not covered by a receipt. The receipt given by the Octroi Department to the person for depositing the goods shall be returned for taking delivery of the articles to which it relates. The Officer-in-charge shall refuse to deliver goods if the receipt is not produced at the time of taking delivery of the articles.

14. *Delivery of articles to persons authorised by the depositor.*—If the depositor does not himself take delivery of the article deposited in the octroi office, he must endorse on the receipt a request for delivery to the person to whom he wishes it to be made and if the receipt is not produced, the delivery of the goods may at the discretion of the officer-in-charge of the octroi office be withheld until the person entitled in his opinion to receive the same has given an indemnity to the satisfaction of the officer-in-charge of the octroi office.

15. *Person depositing goods may break bulk or change the packing.*—Any person who has deposited goods in the bonded warehouse may break bulk or change the packing thereof on application to the officer-in-charge of the warehouse or may on paying octroi thereon bring such goods into the municipal limits or may transport such goods outside the municipal limits.

16. *Storage fee.*—No goods shall be allowed to leave the bonded warehouse until storage fees have been paid thereon at the following rates, namely :—

(*a*) goods shall be allowed to remain free of charge for twenty-four hours and after that period a charge shall be made at the following rates for seven days or portion thereof, namely :—

TABLE

(1) .....

(2) .....

(*b*) double the rates shall be charged after seven days provided the municipal council may at its discretion allow a reduction in or exemption from such double rates ;

(*c*) the dates of admission and removal of goods taken together shall reckon as one day and Sundays and holidays shall not be taken into account in reckoning the date for which fees under each class shall be payable, and when delay is caused by the inability of the officer in charge of warehouse to examine and pass goods, such period of delay shall not be reckoned.

17. *Receipt for payment of storage fees.*—For the storage fees received, receipt shall be issued in Form V.

18. *Period for claiming deposited goods and disposal of unclaimed goods.*—All perishable commodities remaining uncleared or unclaimed after forty-eight hours shall be sold by public auction to the highest bidder at the bonded warehouse. All other goods remaining uncleared or unclaimed for a longer period than six months shall be sold in like manner, provided that, before selling such goods, notices of the fact shall be posted for seven days at the bonded warehouse and at the municipal office and provided further that

the goods shall be sold earlier when the storage fees are likely to exceed their value.

19. *Sale proceeds how dealt with.*—When any goods are sold under bye-law 18, the sale proceeds shall be credited to the municipal funds, in payment of octori and storage fees due in respect thereof, provided that if the amount realised by the sale exceeds the amount so due, the balance shall be kept in deposit for one year and any claims for such balances received during that time shall be considered by the Municipal Commissioner or Chief Officer, as the case may be. After the expiry of one year, or after all claims received during that period have been disposed of, the balance shall be credited to Municipal funds. No claims shall be admitted after the said period of one year, except by special permission of the municipal council.

20. *Municipal council not responsible for damage to goods.*—The Municipal council shall not be responsible for any damage that may be caused to goods deposited in the bonded warehouse while such goods are being passed into or out of warehouses or while they remain therein unless such damage is proved to have been caused by the wilful neglect of the warehouse keeper or other person in charge of the safe custody of goods.

21. *Permission to use private warehouses as bonded warehouse.*—Any person may, with the sanction of the Municipal Commissioner or the Chief Officer, as the case may be, be permitted to use any place as a bonded warehouse on payment of the cost of such establishment and subject to such conditions as may in each case be fixed by the Municipal Commissioner or Chief Officer, as the case may be.

22. *Refunds.*—On all articles on which octroi has been paid and which are subsequently transported beyond the municipal limits, refunds shall, subject to these bye-laws be granted at the rates originally charged at the time they were brought into the municipal limits:

Provided that no such refunds shall, except in the case of timber brought in and transported outside the municipal limits in logs, be granted unless such goods are transported outside the limits within six months from the date on which octori was levied.

23. *Refunds when admissible.*—No refund shall be allowed in respect of goods :—

(*a*) regarding which the amount of octroi levied does not exceed one rupee ;

(*b*) regarding which a declaration of the intention to transport outside the municipal limits has not been made at the time of bringing them into the municipal limits ;

(*c*) which since they were brought within the municipal limits have changed their form by any process of manufacture or in respect of which any business has been transacted by way of sale, barter or hire or in any other way ;

(*d*) which are not transported outside the municipal limits within one month from the date of their being brought into the municipal limits ;

(*e*) which are transported outside the municipal limits within two months of their being brought into the municipal limits but regarding which due intimation has not been given to the Municipal Commissioner, or the Chief Officer within such time as may be fixed by the municipal council ;

(*f*) which are transported outside the municipal limits after twelve hours from the time of issue of the permit in Form VI ;

(*g*) regarding which no application for refund is made within fifteen days from the date of the transport outside the municipal limits :

Provided that in the case of petrol brought within the municipal limits and transported thereafter, such petrol shall be deemed to be the same which is brought into the

municipal limits and no further proof of identification need be demanded to establish a claim for the refund of Octroi.

24. *Procedure of refunds when goods are transported out of the municipal limits.*—(1) In the case of goods which are transported outside the municipal limits without breaking in bulk within twenty-four hours of their being brought into the municipal limits and on which octroi has been collected, refunds shall be made by the octroi official in charge of the octroi station from which they are transported outside the municipal limits, in accordance with the following procedure, namely :—

(i) the octroi official shall—

(*a*) require the production of the receipt relating to the goods issued at the time they were brought within the municipal limits ;

(*b*) examine the receipt and seal or mark ;

(*c*) satisfy himself that the goods are the same as those specified in the receipt and that the bulk is not broken ;

(ii) On being satisfied that the procedure as laid down in clause (i) has been followed, the octroi official shall sign the declaration in Form VI and then refund the amount after taking the signature of the person bringing the goods to the municipal limits on the declaration form in acknowledgment of the refund.

(2) No refunds shall be made in the case of goods transported outside the municipal limits after twenty-four hours of their being brought within the municipal limits.

(3) In the case of parcel to be transported outside the municipal limits, within twenty-four hours part by part, by breaking bulk, the person transporting the goods should follow the procedure of obtaining permits in Form VI and claiming of refunds under the procedure of refunds for transport outside the limits after twenty-four hours and within one month.

25. *Procedure for refund for transport outside the municipal limits after twenty-four hours and within one month.*—Any person claiming refund under these bye-laws shall produce goods to be transported outside at the municipal office together with the duplicate receipt for octroi paid thereon and the application for refund prepared in Form VII which can be obtained free of charge at the municipal office.

26. *Calculation of the amount of refund to be paid.*—On receiving an application under the preceding bye-laws the officer authorised for this purpose on being satisfied as to the identity of the goods produced with those for which receipt is being granted shall calculate the refund to be paid.

27. *Presentation of application for refund.*—The application for refund with the goods to which it relates shall be presented at the octroi station through which it is transported outside the municipal limits, within such interval from the hour of examination as the municipal council may determine. This interval shall be fixed with due regard to, among other things, the distance of the outposts from the municipal office but shall in no case exceed twelve hours.

28. *Checking of goods produced with the entries in the refund application form.*—The octroi official in charge of the octroi station from which the goods are transported outside the municipal limits shall satisfy himself that the goods produced for transport outside the municipal limits as covered by the refund application correspond with the entries in the refund application form and that they are presented within the time limit fixed by the municipal council under the preceding bye-law.

29. *Goods to be permitted to be transported after filling up the certificate.*—If the goods are being transported outside the municipal limits otherwise than by rail and if the consignment appears to be duly covered by the refund form and is produced for transportation outside within the

time limit, the octroi official shall verify entries in the refund form with that of the goods under transportation and certify the refund form and fill up the certificate on the reverse of the application and return the application to the person who intends to transport or his agent and shall allow the consignment to proceed. Otherwise he shall retain the refund form and report the circumstances forthwith for the orders of his immediate superior.

30. *Procedure for refund in case of goods tansported by rail.*—If the goods are transported outside the municipal limits, by rail, the official in charge of the octroi station of exit shall retain the refund form pending production of a railway receipt for all the goods covered by the refund form. Upon production of the railway receipt if, after the enquiry, the octroi official concerned is satisfied that the goods produced are covered by the refund form and also by the railway receipt in question, he shall then endorse on the reverse of the form, the number and date of the railway receipt and shall return the form and railway receipt to the person in charge of the goods.

31. *Payment of refund.*—In all cases in which refund is claimed, the form duly endorsed in accordance with the preceding bye-laws with the railway receipt if any, must be produced at the municipal office by the person seeking the refund, where it shall be checked by the refund clerk with original entries in the refund ledger, and the report on the reverse of the form shall be filled up and signed by him and if after due check, the Municipal Commissioner or Chief Officer as the case may be is satisfied that a refund of octroi covered by the refund form is duly payable he shall pass an order for payment and forthwith pay the same to the person presenting the refund form obtaining acknowledgment in the place provided.

32. *Refund to lapse if not presented within two months.*—If an application for refund is not presented for payment within two months after the close of the month

of the registration of the application in the refund ledger, the claim shall be deemed to have lapsed.

33. *Licence to be obtained for selling articles liable to octroi.*—No person shall sell the following articles liable to octroi without obtaining a licence granted in this behalf, namely,—

..... (here enter the articless).

34. *Licence fee.*—Fees shall be charged at the following rates for grant of licences, namely,—

(1) Wholesale dealer's licence	..	Six rupees
(2) Retail dealer's licence	..	Three rupees
(3) Street hawker's licence	..	One rupee

35. *Conditions of licence.*—The conditions subject to which a licence is granted shall be those indicated in Form VIII or Form IX or Form X as the case may be.

36. *Power to refuse or cancel licence.*—The Municipal Commissioner of Chief Officer as the case may be, may grant, suspend, withdraw, or refuse licences required to be granted under these bye-laws.

37. *Articles in respect of which licence is required not to be brought within the municipal limits or kept for sale, etc.*—It shall not be lawful for any person to bring into the municipal limits or keep, sell, or offer for sale any specified article in any form for which a licence is required after such licence is refused, suspended or withdrawn or cancelled.

38. *Penalty for contravention of bye-laws.*—Any person contravening any of the bye-laws indicated in column (1) of the Table below shall be punishable with fine which may extend to the amount indicated in the corresponding entry in column (2) thereof, and in the case of continuing contravention with an additional fine as indicated in column (3) and where the contravention continues after receipt of a notice from the municipal council, with fine as indicated in column (4) thereof;

TABLE.

No. of byelaw	Amount of fine leviable for contravention.	Amount of fine leviable for continuing contravention.	Amount of fine leviable for continuing contravention after the receipt of notice.
1	2	3	4
3	Rs. fifty	... Rs. ten	... Rs. five
4	Rs. twenty-five	... Rs. five	... Rs. two
5	Rs. fifty	... Rs. ten	... Rs. five
4	Rs. fifty	... Rs. ten	... Rs. five
38	Rs. fifty	... Rs. ten	... Rs. five

FORM I—TRANSIT PASS.

(*See* Byelaw 10)

Original.

Book No.....Name of the

Octroi Station .....

Pass No.....
Name of owner .....
Place from which brought.....
To which placee.....
Name of consignee.....
Name and description of article...
No..... Carriage.....
Name of peon escorting the goods...
Date.....

Duplicate.

Name of the

Octroi Station.....

Pass No .....
Name of owner.....
Place from which brought.....
To which place.....
Name of consignee.....
Name and description of artic'e.....
No..... Carriage.....
Name of peon escorting the goods.....
Date.....

Signature of Mutsaddi.

NOTE.—To be forwarded to the Municipal Office or Bonded Warehouse for ackenowledgement and return. To be pasted to the original on its return.

Date..... Signature.

Triplicate.

Pass No.
Name of owner.....
Place from which brought.....
To which place.....
Name of consignee.....
Name and description of article...
No.....Carriage.....
Name of peon escorting the goods...
Date.....

Signature of Mutsaddi.

NOTE:—To be filed in the Municipal Office or Bonded Warehouse.

FORM II.

(*See* Bye-law 11)

DECLARATION BY IMPORTER DEPOSITING GOODS IN BONDED WAREHOUSE.

To

The Officer in charge of the Bonded Warehouse,

Bonded Warehouse,

.....Municipality.

Please receive the undermentioned goods and deposit them in the Bonded warehouse.

Name of the depositor.....

Description of articles deposited.....

No. of packages etc. .....

Distinguishing marks, if any .....

Weight .....

Quantity .....

Value of goods deposited.

(Copy of invoice to be enclosed).

I do hereby certify that I have satisfied myself that the entries as made by me above are correct.

Date.....

Place..... .....

Signature of Depositor.

FORM III

(*See* Bye-law 12)

Receipt for goods deposited in the Bonded Warehouse

.....Municipality.

Book No. .....

Receipt No. .....

1. Name of Octroi Station and Transit pass No. .....
2. Name of owner .....
3. Name of article .....
4. Where collected .....
5. Quantity/Weight .....
6. Time .....
7. Date .....

Officer in-charge of Bonded Warehouse

Note.—To be Printed in duplicate and every Second copy to be headed "duplicate" and perforated.

FORM IV

(*See* Bye-law 12)

Register of goods deposited in the Bonded Ware House.....Municipality.

Name and address of depositor	Description of the goods deposited with particulars as to the quantity or weight		No. of Bonded Warehouse receipt given to the depositor	Date and time of receipt at the Bonded Warehouse		Signature of depositor	Date and time of removal		Storage fee	Signature of Officer in charge of Bonded Warehouse	Remarks
	Description	Quantity or weight		Month and date	Time		Month and date	Time			
1	2	3	4	5	6	7	8	9	10	11	12

N. B.:—Separate register may be maintained if necessary for particulars of articles deposited in large quantities.

FORM V

(*See* Bye-law 17)

Receipt for Storage Fee

Book No. ..... Date..... ... .

Receipt No. .....

Received from Shri ....
the sum of Rs. ....(in words) being the storage charges from .....to.....19... ..
for . ...days at..... per day.

Officer in charge of
Bonded Warehouse

Note.—Every alternate sheet should be headed duplicate and perforated.

FORM VI.

(*See* Bye-laws 23, 24).

Transport permit.

Counterfoil.

The Octroi Mutsaddi

..... Octroi Station.

Allow the following goods/animals to go out of the octroi limits at your octroi station on satisfying yourself as per rules and endorse the certificate on the reverse as required :—

No. and date of receipted import bill.	Description of goods or animals to be exported.	No. of packages or animals.	Time of issue of the pass.
(1)	(2)	(3)	(4)

Signature and designation of the Officer issuing the pass.

FORM VI.

(*See* Bye-laws 23, 24).

Transport permit.

The Octroi Mutsaddi

.....Octroi Station.

Allow the following goods/animals to go out of the octroi limits at your octroi station on satisfying yourself as per rules and endorse the certificate on the reverse as required :—

No. and date of receipted import bill.	Description of goods or animals to be exported.	No. and discription of packages or animals.	Weight or value.	Name of exporter.	Octroi paid in respect of those goods or animals. Receipt No., Amount and date.	Time of issue of the pass.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Signature and designation of the Officer issuing the pass.

Declaration.

I..... Mutsaddi in charge of the octroi station do hereby declare that I have inspected the goods/ animals mentioned in this pass and satisfied myself as required by rules and do hereby certify that the above mentioned goods/animals have passed out of the octroi station on.....at hour.....

Date

Octroi Mutsaddi

.....Octroi Station.

Received payment of Rs.....(in words).....

Date

Signature of the applicant for refund of octroi.

Note :—To be pasted to the counterfoil when received back from the Octroi Station of export.

FORM VII.

(Bye-law 25)

Municipality of.....

Form of Application for refund of octroi on goods exported from the Municipality.

	To be filled up by the exportor								To be filled up by verifying officer					Coupon
Description of goods	Quantity, number or value	Name of exportor with address in full	Name of person presenting this application with address in full	Place to which the goods are to be exported	Name of consignee with address in full	Name of octroi station at which the goods are to be exported	Date and hour at which the goods are to be exported	Name of conveyance	Particulars of packge i.e., No. of bags, baskets etc.	Deduction to be made from the qu.ntity, No. or value of goods	Why deducted	Net quantity, value or number	Rate of Octroi	Amount of refund	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

1. I intend exporting the goods mentioned above from this Municipality. Please refund the duty thereon to.....who is my au horised agent.

2. These goods have been imported by me as per receipt attached.

Signature of the exporter or his authorised representative.

Endorsement by verifying Officer

I have as far as p ssible examined the goods mentioned in this application and made entries in cols. 10 to 15.

I have this day.....at.....a.m./p.m. satisfied myself that they agree with the details of the application.

Signature of verify ng officer.

Endorsement by the Mutsaddi at the Octroi Station of export.

I certify the goods numbering/weighing..... mentioned in this application passed out of the Municipal limit in my presence on.....at.....

Signature of the Mutsaddi at the export octroi Station

Report of refund clerk :

Checked and agreed with the refund ledger (the exporter has produced Railway receipt) No.....(in proof of export)

Signature of refund clerk.

Order of the Disbursing Officer

Pay Rs.....
Date... .....

Payee's Acknowledgement.

I acknowledge receipt of the amount entered in the payment order, *viz.*, Rs.....

Signature of payee.

Certified that the goods mentioned to this application have actually passed out of municipal limits in my presence on.....at.....

Signature of Mutsaddi
at export Octroi Station

FORM VIII

(*See* Bye-law 35)

WHOLESALE DEALERS' OCTROI LICENCE

Name of the Licence holder :
Residence :
Name of Vendor :
Residence :

You are hereby authorised to vend, by wholesale, subject to the provisions of the licence.....issued from the Bonded Warehouse of the City/Town... ..... Municipal Council.

1. That this licence shall only be in forme till the 31st March 19.... and that it shall be exhibited to any Octroi Officer when he shall lawfully call for the same.

2. That due written notice of the despatch of all consignment of..... to your address and probable date of arrival within Municipal limits be given to the officer-in-charge of the Municipal Bonded Warehouse, that these goods be brought within the municipal limits, between the hours of 6 A.M. and 6 P.M. and by way of the public roads specified or by the railway and that the parties incharge report themselves to the first ookad reached within municipal limits a peon from which will accompany the consignment to the Bonded Warehouse and that the persons bringing the goods in charge of the consignments shall be bound to answer truly all lawful questions put by the Octroi Mutsaddi or the officer-in-charge of the Municipal Bonded Warehouse.

3. That all octroi articles attempted to be introduced within municipal limits **after 6P.M. and before 6 A.M. by** any other than the public roads specified or by the railway, will be considered as a contraband and treated accordingly.

4. That the article subject to octori duty above mentioned shall not be introduced into your premises or place of business without payment of octori thereon.

5. That when by this licence you are authorised to vend the article in any form, an account in the accompanying form shall be kept by you of all stock of the article brought into the municipal limits disposed of either by sale within the municipality or transported beyond the municipal limits and that such account shall be open to the inspection of any octroi officer and shall be submitted to the Bonded Warehouse on the 11th of every month for verification.

6. That no dutiable article . . . . . intended for consumption in the municipality shall, under any circumstances, be allowed to be deposited by you in any of the villages immediately beyond Municipal limits.

7. That this licence be not transferable by sale, gift, mortgage or otherwise and that no persons except such as are named herein shall have power to act under it.

8. The Municipal Commissioner/Chief Officer, may refuse, suspend or withdraw the licence for any breach of all or any of the conditions of licence.

FORM IX

(Bye-law 35)

Retail Dealers' Octroi Licence

Name of the licence holder :
Residence :
Name of the Vendor :
Residence :

You are hereby authorised to store and vend, subject to the provisions of this licence, the following articles on the premises No. .....within the Municipal limits of the....
.....

1. That the said premises may be inspected by any octroi officer at any time in the maner prescribed by the bye-laws.

2. That all.....in the said premises and purchased or sold by you shall have paid duty or shall have been purchased from a duly licensed vendor.

3. That no . ..... will be permitted to be stored or sold in any other than licensed premises and any .... found in an unlicensed premises will be considered as contraband and treated accordingly.

4. That this licence shall only be in force for twelve months, *viz.*, from 1st April 19.....to 31st March 19..... and that it shall be exhibited to any octroi officer when he shall lawfully call for the same.

5. That this licence be not transferred by sale, gift, mortgage or otherwise and that no persons except such as are named herein shall have the power to act under it.

6. The licence holder is required within fifteen days from the date of issue of this licence to have sign board put up in a conspicuous part of the premises occupied by him with the following inscriptions legibly painted thereon in Kannada or English.

Number of licence :

Name :

Licence to sell :

7. The Municipal Commissioner/Chief Officer may refuse. suspend or withdraw the licence for breach of all or any of the conditions of the licence.

8. That when by this licence you are authorised to vend in any form, an account shall be kept by you of all stock of the article purchased and sold and that such account shall be open to inspection by any octroi officer.

FORM X

(Bye-law 86)

SILLIT HAWKERS' LICENCE

Name of the licence holder :
Residence :
Name of the Vendor :
Residence :

You are hereby authorised to vend, subject to the provisions of this licence, the following articles within the Municipal limits of the .....

1. That the said articles may be inspected by any octroi officer at any time in the manner prescribed by the bye-laws.

2. That all ..... purchased or sold by you shall have paid duty or shall have been purchased from a duly licensed vendor.

3. That no ..... will be permitted to be sold without payment of octroi and any ..... found in your possession will be considered as contraband and treated accordingly.

4. That this licence shall only be in force for twelve months, *viz.*, from 1st April 19.... to 31st March 19.... and that it shall be exhibited to any octroi officer when he shall lawfully call for the same.

5. That this licence be not transferred by sale, gift, mortgage or otherwise and that no persons except such as are named herein shall have the power to act under it.

6. The Municipal Commissioner/Chief Officer may refuse, suspend or withdraw the licence for breach of all or any of the conditions of the licence.

7. That when by this licence you are authorised to vend in any form, an account shall be kept by you of all stock of articles purchased and sold and that such account shall be open to inspection by any octroi officer.

[No. PLM 1 MLR 65].

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA,

Deputy Secretary (Special),

recovering any tax or (iii) on any other account, and the period for which the sum is due. The measures adopted for effecting recovery and the reasons for non-recovery should also be clearly indicated in the statement.

5. Maximum limits of sum to be written off.—Subject to the provisions of rule 3, the municipal council may write off irrecoverable sums due in any case where the amount does not exceed rupees fifty and where the sum exceeds rupees fifty in any case, the previous sanction of the Commissioner shall be obtained before writing off the sum.

6. Details of sums involved, etc., to be given in minutes book.—Where any sum due on account of any tax or of costs in recovering any tax or on any other account has been written off by the municipal council, full particulars regarding the nature of the sum due, that is, whether it is due (i) on account of any tax, or (ii) on account of costs in recovering any tax, or (iii) on any other account, and also the assessment number, the sum written off and the period to which it relates, shall be given in the minutes book of the municipal council, the total amount written off in each case being indicated in words.

7. Remission of fee chargeable for distress.—(1) The municipal council, may remit the whole or any part of any fee chargeable for distress where it is satisfied that,—

(*a*) sums due as tax or costs in recovering any tax or on any other account have been recovered or have been paid; or

(*b*) the demand for the payment has been made against the wrong person; or

(*c*) the demand has been made by mistake.

(2) The provisions of rules 5 and 6 shall *mutatis mutandis* apply to the remission of any fee chargeable for distress.

[No. PLM 2 MLR 65.]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 29—30th July, 1965.

G. S. R. 610.—The draft of the following rules amending the Bangalore Water Supply and Sewerage Rules, 1964, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 87 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964) is hereby published as required by sub-section (1) of the said Section, for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th August, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

Draft Rules.

1. *Title and commencement.*—(1) These rules may be called Bangalore Water Supply and Sewerage (Amendment) Rules, 1965.

(2) They shall be deemed to have come into force on the first day of October, 1964.

2. *Insertion of new Rules 4A.*—In the Bangalore Water Supply and Sewerage Rules, 1964, after rule 4, the following rules shall be inserted namely:—

"4A. *Remuneration and allowances.*—(1) The Chairman of the Board shall be entitled, to a salary of two thousand two hundred and fifty rupees per month, and a car shall also be placed at his disposal for official purposes.

NOTIFICATION.

Bangalore, dated 22nd July 1966.

G. S. R. 612.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Appendix VI (as subsituted by Government Notification No. FD 154 RFC 62, dated 2/1/1965, C. S-No. 502),

In rule 3(ii), insert the following at the end.—

"It also includes charge allowance".

[No. FD 35 RFC 65.]

By Order and in the name of the Governor of Mysore,

132 N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 22nd July 1965

G. S. R. 613.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 50 (a) (i) (P–39),

Number the existing note as 'Note–1' and *add* the following as 'Note–2' thereunder:

"*Note–2.* A single receipt, stamped where necessary, given by a payee in acknowledgment of several payments or a lumpsum payment, either in cash or by cheque, made to him, on one occasion, shall constitute a valid quittance and the disbursing officer, in such cases, should give cross reference on all vouchers to which the receipt relates."

520

[No. FD 89 RFC 65.]

By Order and in the name of the Governor of Mysore,

N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 20th July 1965.

G. S. R. 614 .—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely,—

In the said Code,

In Article 75 (p-50),

Sub-paras 1 and 2 of the Article (as inserted by Government Notification No. FD 117 RFC 59 dated 15th June 1961 C. S. No. 231) shall be substituted by the following :—

"(1) The Treasury Officer should prepare a list of Cheques outstanding for more than 12 months from the date of issue on the *15th of May each year*. This list should furnish the cheque number and date, name of drawer and amount and voucher No. assigned in the schedule of payment of the month concerned. Simultaneously, he will prepare alteration Memoranda in duplicate, showing the heads of debit and credit and send the first copy to the Accountant General and the second copy to the drawing officer concerned. The Drawing Officer will note the fact of receipt of Alteration Memoranda (with particulars of number, date and amount thereof) in the office copy of the bills, if the Alteration Memoranda proposed is in order, oe verification. Otherwise, it is the responsibilitn of the drawing officer to inform the Treasury Officer and the Accountant General for any corrections or alterations that are requiredb efory the 1st June. The second copy may be retained by the drawing officer.

(2) The Alteration Memoranda should be rendered to the Audit Office along with the list referred to above, in duplicate. This list should reach the Audit Office on the 1st June".

516

[No. FD 110 RFC 64.]

By Order and in the name of the Governor of Mysore,

135 N. S. BHARATH, *Deputy Secy*

Revenue Secretariat

NOTIFICATION.

Bangalore, dated 23rd July 1965.

G.S.R. 615.—In exercise of the powers conferred by Section 197 read with section 202 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby makes the following amendment to the Rules issued under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation 1 of 1899), the draft of the said Rules having been previously published in Notification No. RD 81 LAD 60, dated 30th May, 1962 in Part IV, Section.... of the *Mysore Gazette*, dated 7th June 1962 as required by section 144 of the Coorg Land and Revenue Regulation, 1899 and sub-section (1) of Section 197 of the Mysore Land and Revenue Act, 1964, namely :—

In the rules issued under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation 1 of 1899),—to Rule 96, the following proviso shall be added namely :—

"Provided that lopping of the branches of trees for cultivation shall be permitted by the Deputy Commissioner subject to the following conditions, namely :—

(i) if any firewood is to be removed from such fellings seigniorage value shall be paid and passes obtained for removal of such firewood ;

(ii) if it is proposed to cartonise the felled branches for preparing charcoal, the previous permission of the Deputy Commissioner, Coorg, should be obtained under intimation to the District Forest Officer on payment of seigniorage value ;

(iii) in case of girdling of trees and felling of branches fit to be sold as "Timber", the procedure prescribed for redemption of timber on lands shall be followed and the process

considered as "partial redemption" on payment of seigniorage value at the rates prescribed for the relative species by Government if trees of more than three feet girth are cut.

"Explanation—For purposes of this proviso,—

(1) "Seigniorage value" means the royalty payable to Government ;"

(2) "Passes" means the permits issued by the appropriate authority for removal of firewood."

[No. RD 81 LAD 60].

By Order and in the name of the Governor of Mysore,

137 N. H. SIDDIQUI, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION

Bangalore, dated the 25th July 1985.

G.S.R. 616.—The Governor of Mysore hereby makes the following amendment to notification No. GAD 22 GRR 57, dated the 3rd February, 1959 relating to the establishment of the State Service Cadres in respect of the Mysore Labour Service, namely :—

In the said notification, under the heading "Class-I Posts", for the entries in columns 1, 2 and 3, relating to the category of posts of "Assistant Labour Commissioners", the following entries shall be substituted, namely :—

"1	2	3
Assistant Labour Commissioners.		350—25—650—30—800
	Administrative Officer	350—25—650—30—800"

[No. PLM 102 LET 63 (i).]

By Order and in the name of the Governor of Mysore,

141 G. G. PUROHIT, *Under Secy.*

NOTIFICATION.

Bangalore, dated 25th July 1965.

G. S. R. 617. —In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Mysore hereby makes the following rules amending the Mysore Labour Service (Recruitment) Rules, 1959, namely :—

1. Title.—These rules may be called the Mysore Labour Service (Recruitment) (Amendment) Rule, 1965.

2. Amendment of the Schedule.—In the Schedule to the Mysore Labour Service (Recruitment) Rules, 1959, in the entries relating to " class-I, Junior Scale" category of posts, before the entries relating to the category of posts of "Assistant Labour Commissioners", the following entries shall be inserted ; namely :

"1	2
Administrative Officer.	By deputation of an Officer of the M. A. S. (Class I–Junior Scale)".

[No. PLM 102 LET 63 (ii).]

By Order and in the name of the Governor of Mysore,

142 G. G. PUROHIT, *Under Secretary.*

Development, Panchayati Raj and Co-operation Secretariat.

NOTIFICATION.

Bangalore, dated 31st July 1965.

G. S. R. 618.—The draft of the following rules which the Governor of Mysore proposes to make in exercise of the powers conferred by the proviso to Article 309 of the Constitution and sections 210 and 221 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act No. 10 of 1959) and all other powers enabling him in this behalf to amend the Mysore Local Government Service (Panchayat Secretaries) (Cadre and Recruitment) Rules, 1962, is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 15th August 1965.

Any objection or suggestion which may be received from any person by the State Government with respect to the above draft before the date specified above will be considered by the Government. Such objections or suggestions may be addressed to the Secretary to the Government of Mysore, Development, Panchayati Raj and Co-operation Department, Vidhana Soudha, Bangalore-1.

1. Title.—These rules may be called the Mysore Local Government Service (Panchayat Secretaries Branch) (Cadre and Recruitment) (Amendment) Rules, 1965.

2. Amendment of rule 3.—In sub-rule (2) of rule 3 of the Mysore Local Government Service (Panchayat Secretaries) (Cadre and Recruitment) Rules, 1962 (hereinafter referred to as the said Rules), for the word, letters and figures, "Grade III-Rs. 65-1-70-2-90", the words and figures "Grade III–*Ex-officio*" shall be substituted.

3. **Amendment of rule 9.**—In rule 9 of the said rules, the following proviso shall be added at the end, namely :—

"Provided that whenever Village Accountants are not available because they are not recruited, the Deputy Commissioner of the district may make temporary appointment of persons who are not more than 45 years of age and who have completed the VII Standard on a salary of rupees fifty per month as Panchayat Secretaries Grade III and such appointments shall be for a period not exceeding *two* and shall be terminated on the expiry of that period or earlier when a Village Accountant has been appointed ".

[No. DPC 6 BVP 65.]

By Order and in the name of the Governor of Mysore,

143 S. B. RIZA WASTI, *Under Secy.*

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PART IV

Section 2-C—(I)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

FINANCE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 3rd August 1965.

G. S. R. 619.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules further to amend the Mysore Government Servants' (Compulsory Life Insurance) Rules, 1958, namely :—

1. Title.—These rules may be called the Mysore Government Servants' (Compulsory Life Insurance) (Second Amendment) Rules, 1965.

2. Amendment of Rule 25.—In Rule 25 of the Mysore Government Servants' (Compulsory Life Insurance) Rules, 1958, for the provisos in sub-rule (1), the following proviso shall be substituted, namely :—

"Provided that—

(i) where any nominee is a minor, it shall be lawful for the insured to appoint in the manner prescribed, any person to receive the money secured by the policy/policies in the event of his/her death during the minority of the nominee ;

(ii) any nomination to the exclusion of wife, or in the case of a female Government Servant the husband, or children shall be null and void ; and

if subsequent to the nomination the insured gets married and leaves behind wife and/or children in the case of male insured and husband and/or children in the case of a female insured such a nomination also shall be null and void; and

(iii) where the insured has no near relative or where the near relative of the insured gives his or her consent in writing for nomination as herein provided, the insured may nominate any religious or charitable or social or education institution or the Head of any such institution.

Explanation.—For purposes of this clause, near relative means wife/husband, children (including step children and adopted children), father, mother, brothers or sisters and a deceased son's widow and children dependent on the insured."

[No. FD 16 PID 64.]

By Order and in the name of the Governor of Mysore,

149 K. V. SUBBA RAO, *Under Secy.*

CORRIGENDUM.

Bangalore, dated 26th July 1965.

G.S.R. 620.—The correction slip number of the amendment to the Mysore Financial Code issued in Government Notification No. FD 110 RFC 64, dated 20th July 1965, should be read as '517' instead of as '516'.

[No. FD 110 RFC 64.]

By Order and in the name of the Governor of Mysore,

147 T. K. RANGARAJA IYENGAR, *Under Secy.*

DEVELOPMENT, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 15th July 1965.

G. S. R. 621.—In exercise of the powers conferred by Section 170 read with section 210 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) the Government of Mysore hereby makes the following rules further to amend the Mysore Taluk Boards Loans Rules, 1960, the draft of the same having been published in Notification No. GSR 503, dated 26th March, 1965 in Part IV, Section 2C (i) of the *Mysore Gazette*, dated 13th May, 1965 as required by sub-section (1) of Section 210 of the said Act, namely :—

1. Title.—These Rules may be called the Mysore Taluk Boards Loans (Amendment) Rules, 1965.

2. Substitution of new rule for rule 16.—For rule 16 of the Mysore Taluk Boards Loans Rules, 1960, the following rule shall be substituted namely :—

"**16. Sinking Fund for non-Government loans.**—(1) In the case of a non-Government loan, if the loan is not repayable by annuities or annual drawing, the Taluk Board shall establish a sinking fund in the following manner namely :

(i) It shall pay out of its income, yearly or half-yearly, to such funds a sum which, accumulating at such rate of compound interest as the authority sanctioning the loan may fix, will be sufficient to secure the liquidation of the loan and within the term fixed for its repayment ; and

(ii) It shall make the first of such payments within one year from the date of taking or raising the loan, unless the sanctioning authority otherwise directs.

(2) The Taluk Board shall invest its sinking fund in the Central or State Government securities or such other securities as may be approved by Government :

Provided that when a loan or an instalment of a loan is to mature within twelve months from the date from which sum is a payable into the Sinking Fund under sub-rule (1), the Taluk Board may deposit in the Government Treasury, or with the approval of the Commissioner in any Scheduled Bank or any Co-operative Bank in the State, such sum or such portion thereof as may be necessary for repayment of such loan or instalment.

(3) The Taluk Board shall submit the accounts of its sinking fund annually to the Accountant General, Mysore, as shall at once make good from its income any amount by which he may certify that the fund is deficient unless the Government sanctions a gradual re-adjustment. The accounts of the Sinking Fund maintained by the Chief Executive Officer shall be made available for such test check by the Accountant General as he may deem fit to make".

[No. LLH 17 RPA 60].

By Order and in the name of the Governor of Mysore,

127

SYED GULAM KHAJA, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore, dated 2nd August 1965.

G.S.R. 622.—The following draft of Rules to amend the Mysore State Aid to Industries Rules, 1961, which the Government of Mysore proposes to make in exercise of the powers conferred by section 23 of the Mysore State Aid to Industries Act, 1959 (Mysore Act 8 of 1960) is hereby published, as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 22nd August 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Commerce and Industries Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES.

1. *Title.*—These rules may be called the Mysore State Aid to Industries (Second Amendment) Rules, 1965.

2. *Amendment of rule* 21.—In rule 21 of the Mysore State Aid to Industries Rules, 1961, after item (XXVII), the following item shall be added, namely :—

"(XXVIII). Film Finance Corporation Ltd. (A Government of India Undertaking)".

[No. CI 6 GAI 64].

By Order and in the name of the Governor of Mysore,

J. T. BORKER, *Under Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 3rd August 1965.

G. S. R. 623.—The draft of the following rules further to amend the Mysore Motor Vehicles Taxation Rules, 1957, which the Government of Mysore proposes to make in exercise of the powers conferred by section 22 of the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 16th September 1965.

Objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Home Department, Vidhana Soudha, Bangalore-1.

1. Title.—These rules may be called the Mysore Motor Vehicles Taxation (Amendment) Rules, 1965.

2. Amendment of rule 3.—In the Mysore Motor Vehicles Taxation Rules, 1957, in rule 3, for the words "The Bangalore North Taluk Treasury", the words "the Taluk Treasuries of Bangalore North and Mangalore Taluks" shall be substituted.

[No. HD 26 TMT 65.]

By Order and in the name of the Governor of Mysore,

150 V. RAMANATHAN, *Under Secy.*

Public Works Secretariat.

NOTIFICATION.

Bangalore, dated 31st July 1965.

G.S.R 624.—In exercise of the powers conferred by section 78 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), the Government of Mysore hereby makes the following rules to amend the Mysore State Electricity (Supply) Rules, 1957, the draft of the same having been previously published in Part IV–Section 2–C (i) of the *Mysore Gazette*, dated the 10th June 1965, with notification No. G.S.R. 544 (PWD 124 EEB 64). dated the 31st May, 1965, as required by Sub-Section (1) of the said section namely :—

1. *Title.*—These rules may be called the Mysore State Electricity (Supply) (Amendmet) Rules, 1965.

2. *Insertion of new rule* 29A.—In the Mysore State Electricity (Supply) Rules, 1957 (hereinafter called the said rules), after rule 29, the following rule shall be inserted namely :—

"29A. *Redemption of stocks and bonds*:—The Board shall set apart each year, out of the accumulations in the Depreciation Reserve, such percentage of the nominal value of the stocks and bonds (inclusive of discount) as may be fixed by the Board each year, for the redemption of stocks and bonds issued by the Board".

3. *Amendment of rule* 30.—In rule 30 of the said rules, Sub-rules, (2) shall be omitted.

[No. PWD 124 EEB 64.]

By Order and in the name of the Governor of Mysore,

146 S. Balasubramanyan, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 9th August 1965.

G. S. R. 625.—In exercise of the powers conferred by clause (d) of sub-section (2) of Section 323 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in Notification No. PLM 17 MLR 65, dated 2nd June 1965, published as G. S. R. 547 in Part IV-2C (1) of the *Mysore Gazette*, dated 10th June 1965, namely,

THE MYSORE MUNICIPALITIES (FURNISHING OF SECURITIES), RULES 1965.

1. Title.—These rules may be called the Mysore Municipalities (Furnishing of Securities) Rules, 1965.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Mysore Municipalities Act, 1964;

(b) "form" means a form appended to these rules;

(c) "schedule" means a schedule appended to these rules; and

(d) "section" means a section of the Act.

3. Security to be furnished.—Every cashier, storekeeper, sub-storekeeper and any other municipal servant

who is entrusted with the custody of municipal funds or stores shall be required to furnish security and to execute a security bond in Form I setting forth the conditions under which the municipal council holds the security. The amount of security to be furnished by each such servant shall be that specified in the schedule.

4. Temporary or officiating appointments.—An officer or servant appointed in vacancies or posts the duration of which exceeds one month but does not exceed six months, may be permitted to furnish a lower security than that required to be fixed by the municipal council provided that such security shall in no case be less than half the full amount.

5. Relaxation in special cases.—The municipal council shall be competent to waive the security in the case of permanent or quasi-permanent employees where the post is held for less than a month if it is satisfied that there is no risk involved.

6. Nature of security.—The officer or servant required to furnish security may deposit the same in cash or in the form of Government securities or debentures or bonds of local bodies or other statutory bodies, or Government Savings deposits, or Government of India Savings Certificates or National Plan Bonds.

7. Offering sureties.—The officer or servant who is required to furnish securities shall deposit the whole amount of security within one month after the date of appointment:

Provided the municipal council may permit any officer or servant who is bound to furnish such security to bind himself by two responsible sureties residing within the State, or the whole amount and agreeing to deposit the same by monthly deductions from his pay at 10 per cent of his pay. The surety bond shall be in Form II; the sureties offered in this behalf shall be persons other than those who are municipal employees or members of the employees' family.

8. Charges towards payment of stamp duty.—All charges towards payment of stamp duty for execution of security bonds shall be borne by the officer or servant furnishing the security.

9. Responsibilities of appointing authority.—The Municipal Commissioner or Chief Officer shall be responsible for obtaining security from persons required to furnish the same and at the close of each calendar year he shall verify that the sureties are alive and solvent and wherever it is necessary call for a fresh security; in the case of sureties residing outside the municipality he shall obtain the information about the solvency of such surety from the Tahsildar of the taluk or the Municipal Commissioner or Chief Officer of the Municipality in which he is residing.

10. Changes in sureties to be intimated.—Every officer or servant bound to furnish security under these rules shall forthwith give intimation to the Municipal Commissioner or Chief Officer as the case may be of the death of any of his sureties to enable taking of fresh security.

11. Result of failure to give security.—Any officer or servant failing to furnish security required by these rules for more than one month after he has been called upon to do so, shall be liable to forfeit his appointment

12. Refund of security deposit.—The security deposit furnished by a municipal officer or servant shall be refunded as early as practicable after a period of six months from the date of his relinquishing the charge of the post; provided the superior officer of the officer or servant is satisfied and certifies to the effect that no loss has been caused to the municipal council during the period the officer or servant held the post.

SCHEDULE

(*See* Rule 3)

Sl. No.	*Post held*	*Amount of security (in rupees)*	
		City Ml. Cl.	*Town Ml. Cl.*
1	Octroi Officer	... One thousand	... Five hundred
2	Octroi Inspector	... Five hundred	... Two hundred and fifty.
3	Head Accountant (Treasury Section)	... Five hundred	... Two hundred and fifty.
4	Shroff (Treasury section)	... Five hundred	... Two hundred and fifty.
5	Store Keeper (P. W. Branch)	Five hundred	... Two hundred and fifty.
6	Revenue/Tax Inspector	... Three hundred	... Two hundred
7	Market Sergeant	... Three hundred	... Two hundred
8	Clerks dealing in cash or with stores, in revenue, octroi, health, water or other sections	.. Three hundred	... Two hundred
9	Gollar (Treasury section)	... Three hundred	... Two hundred
10	Bill Collector	... Three hundred	... Two hundred
11	Bus stand sergeant	... Three hundred	... Two hundred
12	Drivers and Mechanics	... Three hundred	... Two hundred
13	Collection Mutsaddis	Three hundred	... Two hundred
14	Avenue Inspectors	.. Three hundred	... Two hundred
15	Octroi Manager	... Three hundred	... Two hundred
16	Octroi Peon	... Three hundred	... Two hundred
17	Pound Keeper	... Three hundred	... Two hundred
18	Assistant Market Sergeant	... Three hundred	... Two hundred
19	Toll-gate Peons	... Three hundred	... Two hundred
20	Any other officer or servant entrusted with monetary transaction or handling of stores	... Three hundred	... Two hundred

[No. PLM 17 MLR 65.]

By Order and in the name of the Governor of Mysore,

74 B. VENKATARAMIA, *Dy. Secy.*

FORM I.

(*See* Rule 3.)

FORM OF SECURITY BOND TO BE FURNISHED BY MUNICIPAL SERVANTS.

Security bond by a..... when .....is deposited as ..... security.

Know all Men by these presents that I ..... of..... am held and firmly bound unto the Municipal Council (hereinafter called the Municipal Council) in the sum of Rs.....to be paid to the Municipal Commissioner/Chief Officer (hereinafter called the Municipal Commissioner/Chief Officer) their successors or assigns or their certain attorney or attorneys for which payment well and truly to be made I bind myself, my heirs, executors, administrators and legal representatives jointly and severally firmly by these presents.

Sealed with my seal dated this ..... day of 19.....and I the said ..... do hereby for myself/my heirs/executors, administrators and legal representatives covenant with the Municipal Commissioner/ Chief Officer, his successors in office and assigns that if any suit shall be brought touching the subject matter of this obligation or the condition hereunder written in any Court.

WHEREAS the above bounden.....was on the day of.....19.....appointed to and now holds and exercises the office of.....at .....And Whereas by virtue of such office and said..... has amongst other duties, the care, charge and oversight of and responsibility for the safe proper storing and keeping in the place appointed for the custody thereof respectively of all money, specie, bullion, coin, jewels, currency or Bank notes, stamps and securities of whatever description, gold, silver, copper, nickel, bronze, lead, goods, stores, chattels or effects (hereinafter together only called the said property) stores and use at, received into or despatched from the..... of ..... or paid, deposited or brought into the said..... by any

person or persons whomsoever and for any purpose or purposes whatsoever And Whereas the said..... as such..... as aforesaid is also responsible that the said property and every part thereof are and is of full measure and good quality when received into the said ..... and until he has duly accounted therefor in manner hereinafter referred to And Whereas the said ..... is bound from time to time whenever called upon so to do to show to his superior officers that the said property and every part thereof save so much thereof as he has duly accounted for is at all times intact in the places aforesaid and is also bound to attend for the purpose of discharging his duties aforesaid at such time and places as his superior officer may appoint And Whereas the said.....is further bound to keep true and faithful accounts of the said property and of his dealings under written orders of his superior officers therewith respectively in the form and manner that may from time to time be prescribed under the authority of the Municipal Council and also to prepare and submit such returns and such accounts as he may from time to time be called upon to prepare and submit And Whereas the bulk of the said property remains as well in the care, charge and custody of the..... for the time being at..... as of the said but as between himself and the Municipal Council he the said ..... is alone responsible and answerable therefor and for every part thereof And Whereas the responsibility of the said for the said property and every part thereof does not cease until the same has been duly used under the written orders aforesaid and accounted for or been duly despatched from the said .....and delivered over to and a full and complete discharge therefor obtained from such persons and at such places as the ....(Officer) or other person exercising his functions for the time being under the sanction of the Municipal Council may direct And Whereas the said..... in consideration of his said appointment has delivered to and deposited with.....as such ..... (Officer) as aforesaid.....to the extent of Rs ..... for the purpose in part securing and indemnifying, the Municipal Council, their successors and assigns against all loss and damage which they might or may in any way suffer by reason of the said property or any part or parts thereof being in any way consumed, wasted, embezzled, stolen, misspent, lost, misapplied or otherwise

dishonestly, negligently or by through oversight or violence made away or parted with by himself the said ..... or by any of the sub-treasurers/sub-storekeepers, servants, clerks, cash-keepers, shroffs, coolies or other persons serving under him the said .....And Whereas the said ....hereby acknowledges that he is bound by all the conditions, and rules of the Mysore Municipalities Act, 1964, and such Rules and Bye-laws and orders as may from time to time be issued by authority and may be in force and especially with reference to his relations and dealings with and the rights of his subordinates and his own subordination to his superior officers and that it is his duty to keep himself acquainted at all times with the contents of the Mysore Municipalities Act and such rules and orders as aforesaid and all or any alterations made from time to time therein And Whereas the said ....has entered into the above bond in the penal sum of Rs ..... conditioned for the due performance by him the said ..... of the duties of the said office aforesaid and of other duties appertaining thereto or which may lawfully be required of him and the indemnity of the Municipal Council their successors, assigns and servants against loss from or by reason of the acts or defaults of the said ..... and of all and every the persons and person aforesaid.

Now the condition of the abovewritten bond is such that if the said .....has whilst he has held or exercised the duties of the said office of ..... as aforesaid always duly performed and fulfilled the said duties of the said office and other duties aforesaid and if he the said ..... shall whilst he shall hold or exercise the duties of the said office always duly perform and fulfil all and every the duties thereof aforesaid and perform and observe all and every conditions and rules of the said Act and the said rules and orders and further if the said..... .....do and shall indemnify and save harmless the Municipal council, their successors and assigns and all and every person or persons who from time to time has or have held or shall hold or exercise the said office of ..... (officer) and all other servants of the Municipal Council from and against all and every loss and damage which during the time the said ..... has held executed and enjoyed the said office has happened or been sustained or shall or may at any time or times hereafter happen to be sustained by the Municipal Council their successors or assigns

or the said.....(Officer) for the time being or any such servant as aforesaid by from or through the means of the neglect, failure, misconduct, disobedience, omission or insolvency of the said.....or of any of the sub-treasuries sub-storekeepers, servants, clerks, cash-keepers, shroffs, coolies or other persons nominated, accepted by or serving under him the said ..... or by from or through the consuming, wasting, embezzling, stealing, misspending, losing, mis-applying or otherwise dishonestly or negligently or by or through oversight or violence making away or parting with the said property or any part or parts thereof by any person or persons whomsoever whilst he, the said ..... had held or executed the duties of the said office or shall hold or execute the duties of the said office.

THEN this obligation shall be void and of no effect. Otherwise the same shall be and remain in full force and virtue.

PROVIDED ALWAYS and it is hereby declared and agreed by and between the parties hereto that the .....shall be and remain at the disposal of the, said ..... - (Officer) for the time being or the Municipal Council as and for part and additional security (over and above the above-written bond) to the Municipal Council, their successors and assigns for the indemnity and other purposes aforesaid with full power to the Municipal Council, their successors or assigns or the servants of the Municipal Council duly authorised in that behalf from time to time as occasion shall require to apply the same together with any interest receivable or received in respect thereof in and towards the indemnity as aforesaid of the Municipal Council, their successors and assigns and the servants of the Municipal Council as the case may require.

AND it is hereby lastly agreed and declared by and between the parties hereto that in the event of the death of the said ....or the vacation by him of his said office of.....the abovementioned..... shall be retained with the said .....(officer) for the time being for the term of six months after the date of such death or such vacation as the case may be as security against any loss or damage that may have been or may thereafter be incurred by the Municipal Council, their successors and assigns and the servants of the Municipal council and in respect of which the said and his heirs, executors administrators and legal representatives after his death is and are, or shall or may be liable to

indemnify the Municipal Council, their successors and assigns and all such persons as aforesaid PROVIDED ALWAYS that the return at any time of the said .....shall not be deemed to affect the right of the Municipal Council to take proceedings upon or under the said bond against the said..... .....in case any breach of the condition of the said bond shall be discovered after the return of the said but the responsibility of the said ..... shall at all times continue and the Municipal Council shall be fully indemnified against all such loss or damage as aforesaid at any time.

Signed, sealed and delivered by the

abovenamed.....

in the presence of.....

FORM II

(*See* rule 7)

SECURITY BOND

By this Bond we, Sri.....son of .....(here enter designation) hereinafter called the Principal and Sri.....Son of..... (here enter designation) residing at..... and Sri ..... son of.....(here enter designation) residing at .....hereinafter called the Sureties are jointly and severally bound to the Municipal Council, hereinafter called the Municipal Council, in the sum of Rs .....to be paid to Municipal Council for which payment to be made, we bind ourselves and each of such in the whole, our and each of our heirs, executors or administrators, jointly and severally, by these present.

Whereas the above mentioned Prinicipal has been appointed to the Office of .....and has been required to furnish cash security of Rs .....to provide against loss caused to Municipal Council through dishonesty, negligence or disregard of rules on his part and whereas he has been allowed to deposit the said sum by means of monthly deductions of ten per

cent of his pay; which deduction he has separately authorised Now the conditions of the abovewritten bond are as follows:—

1. If the said Principal shall, faithfully discharge his duties and no loss is caused to Municipal Council then the abovewritten bond shall be void, otherwise the same shall remain in full force and virtue.

2. Any indulgence shown to the Principal shall not exonerate the sureties.

Witness :

.....
(Principal)

1. .....
(First surety)

2. .....
(Second surety)

ACCEPTED

On behalf of and under the direction of the Municipal Council

Name .....

Designation .....

[No. PLM 17 MLR 65].

By Order and in the name of the Governor of Mysore,

B. VENKATARMIA, *Dy. Secy.* (*Special*)

NOTIFICATION

Bangalore, dated 10th August 1965.

G.S.R. 626.—In exercise of the powers conferred by clause (i) of sub-section (2) of Section 323 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in notification No. PLM 11 MLR 65, dated 3rd June 1965, published as G.S.R. 539 in Part IV—2-C (i) of the *Mysore Gazette*, Extraordinary, dated 3rd June 1965, namely,

THE MYSORE MUNICIPALITIES (POWERS AND DUTIES OF AUDITORS) RULES, 1965.

1. *Title.*—These rules may be called the Mysore Municipalities (Powers and Duties of Auditors) Rules, 1965.

2. *Definitions.*—In these rules,—

(*a*) 'Act' means the Mysore Municipalities Act, 1964;

(*b*) 'Auditor' means an auditor appointed by the Government, under sub-section (1) of Section 290;

(*c*) "Controller" means the Controller, State Accounts Department of the Government;

(*d*) "detailed audit" means an audit of accounts for the whole year;

(*c*) "Form" means a Form appended to these rules ;

(*f*) "section" means a section of the Act ;

(*g*) "special audit" means an audit of accounts pertaining to a specified item or series of items requiring thorough examination.

3. *Requisitions under Section* 291 *to be sent by Registered Post or by Messenger.*—The requisitions referred to in clause (*a*) and (*b*) of sub-section (1) of Section 291 shall be made by the Auditor and shall be sent to the Municipal Commissioner or Chief Officer, as the case may be, or in his absence to the head of the ministerial establishment of the municipal council by registered post or messenger. If the requisition is sent by messenger, an acknowledgement from the officer concerned with the date of receipt shall be obtained in the transit book in Form 1.

4. *Invitations to be sent in the form of a letter.*—The invitations which an auditor may issue in pursuance of clause (*c*) of sub-section (1) of Section 291 to the President or other honorary officer or member of a municipal council shall be in the form of a letter addressed to such officer or member ; a copy of every such letter shall be retained in the case file. The invitation shall be sent either by registered post or by messenger and in the latter case an acknowledgement duly signed by him and dated shall be obtained in the transit book in Form 1.

5. *Failure to comply with requisition to be reported to the Commissioner.*—If a requisition under cluase (*a*) or clause (*b*) of sub-section (1) of Section 291 is not complied with within the period specified in the requisition, the auditor shall report the failure to the President of the municipal council and if the requisition is not then complied with within the next three days thereafter he shall send the papers to the Commissioner, with a brief statement of facts, for further action. A copy of such communication shall be forwarded simultaneously to the Controller.

6. *Form of notice of date of commencement of the audit to be given by the auditor.*—Notice of the date on which the auditor proposes to commence the audit required to be given under sub-section (3) of Section 291 shall be given by the auditor in Form 2.

7. *Auditor to conduct audit during hours of work.*—Except in cases where the Controller, in consultation with Municipal Commissioner or the Chief Officer as the case may be, decides otherwise, the auditor shall, for the purposes of conducting audit, attend at the office of the municipal council during hours of work.

8. *Municipal Council to make suitable arrangements to enable auditor to hold office.*—The municipal council shall make suitable arrangements including provision of suitable accommodation and furniture in or near the municipal office, to enable the auditor to hold his office for conducting audit.

9. *Auditor not to remove any document without the permission of the Municipal Commissioner or Chief Officer.*—The auditor shall not without the previous permission in writing of the Municipal Commissioner or Chief Officer, as the case may be or of any person authorised by him in this behalf, remove from the municipal office any books, vouchers or documents of any kind whatsoever, except that if in the case of fraud or other serious malpractice when there is reasonable apprehension that a document may be removed or destroyed, he may keep it in his possession only after passing a receipt therefor to the Municipal Commissioner or Chief Officer, as the case may be, and shall at once report the matter to the Controller.

10. *Auditor not to correspond direct with the President or Vice-President of the Municipal Council.*—The auditor shall not correspond direct with the President or Vice-President of the Municipal Council whose accounts are being audited by him except for the purpose of reporting an embezzlement or for the purposes mentioned in sub-section (1) of Section 291 or for the purposes of Rule 6 or Rule 14.

11. *Accounts for complete financial year preceding the date of audit to be ordinarily taken up for audit.*—Accounts for the complete financial year or years preceding the date of audit shall ordinarily be taken up for audit. The Controller, may, however, have the accounts audited up-to-date if, in his opinion, such audit is necessary in any particular case.

12. *Detailed audit or special audit to be taken up at the discretion of the Controller or when requested by the Commissioner.*—A detailed audit or a special audit of the accounts of a municipal council may be taken up at the discretion of the Controller, if such a course appears to him to be necessary in any case. The Commissioner may in special circumstances request the Controller to arrange for a special audit or a detailed audit of the accounts of any municipal council for any period.

13. *Auditor to verify cash balances, etc., during audit.*—The auditor shall during the audit verify the cash balances, securities held by the municipal council or its officers and servants on its behalf and also the postage stamps and the stock of printed forms kept for issue of receipts for payments received.

14. *All enquiries and remarks to be communicated through objection statements.*—All enquiries which it is necessary for the auditor to make and all remarks made by him during audit shall be made or communicated through an objection statement in Form 3.

15. *Objection statements to be issued day by day under the dated signature of auditor.*—The auditor shall issue the objection statements over his dated signature day by day as the audit proceeds, and shall obtain an acknowledgement from the Municipal Commissioner or Chief Officer as the case may be with the date of receipt entered in the transit book in Form 1.

16. *Auditor to issue separate objection statement for each Department.*—The auditor shall, as far as practicable, issue separate objection statements for each department of

the municipal council so that the department concerned may proceed to take action as soon as the objection statement is received.

17. *Objection statements to be returned with the least possible delay.*—The objection statements shall be returned, with the least possible delay, over the dated initials of the Municipal Commissioner or Chief Officer, as the case may be, together with either an explanation to the objection or a statement of the action taken or proposed to be taken to meet the objection raised and, where necessary, shall also contain replies to the enquiries made by the auditor.

18. *Auditor to re-issue any item on which sufficient Action has not been taken.*—On receipt of the replies to the points raised by the auditor, he shall where necessary re-issue for further action any items on which final or sufficient action has not been taken or on which the enquiries made have not been satisfactorily answered. Such re-issues shall be marked as "Further Remarks" in the transit book in Form I.

19. *Objection statements to be returned to auditor within three days before the close of audit.*—All objection statements shall be returned to the auditor within such period not later than three days before the close of the audit, as the auditor may specify whether all the objections have been fully answered or not.

20. *Auditor to report fraud or embezzlement confidentially.*—When a fraud or an embezzlement is detected or may reasonably be inferred from any circumstances or where any irregularity is noticed in the accounts, the auditor shall forthwith report the fact confidentially in writing to the Municipal Commissioner or Chief Officer, as the case may be, and also to the Controller. When a fraud or an embezzlement has been fully investigated by the auditor, he shall submit a complete report on the case to the Controller, who shall send copies thereof to the Commissioner and the Deputy Commissioner

having jurisdiction over the district in which the municipality is situate and also to the Municipal Commissioner or Chief Officer, as the case may be :

Provided, that where the Municipal Commissioner, or the Chief Officer, as the case may be, is involved or suspected of being involved in any fraud or embezzlement neither the preliminary report nor the final report shall be sent to him.

21. *Result of audit to be recorded in the prescribed report and in Form* 3.—The result of each audit shall be recorded in the report to be prepared and sent by the auditor under Section 293 and also in the objection statement in Form 3. The report shall be as concise as possible but shall contain all the relevant facts required to be included under Section 294.

22. *Objections admitted and questions settled to be noted in report only under certain circumstances.*—Objections admitted or questions settled during the course of audit shall be noted in the report only if the irregularity is of a serious nature, or, if any defect in the system or error in principle which may have been brought to light has not been permanently removed.

23. *Auditor's report to be in two parts.*—(1) The audit report shall be in two parts namely, Part I—Previous Audit, Part II—Current Audit, Part I, shall contain a brief summary of the remarks still requiring action or further action. Part II, shall contain remarks relating to the current audit.

(2) The details of the vouchers or other documents which have a bearing on the remarks in the audit report shall be given in an appendix or appendices to the report together with reference to the paragraph or paragraphs of the audit report.

24. *Nature of details to be reported.*—The auditor shall,

(*a*) state in the first paragraph of the report the date on which the audit was taken up and the date when it was completed, and also mention the names of the President and Vice-President of the municipal council and Municipal Commissioner or Chief Officer, as the case may be who held office during the period to which the audit report relates ; the names of the auditor or auditors who audited the accounts ; the name of the reviewing Officer ; the date of review ; and the actual number of working days utilised for audit ;

(*b*) give in the opening paragraph of Part II of the report a statement of normal receipts and normal expenditure for the year of audit and the two preceding years, as well as a statement of assets and liabilities indicating the financial position with a brief resume of its financial condition and in such statement of assets and liabilities, fixed assets, such as land, building, plant and machinery, shall be excluded and only liquid assets such as cash balance in hand or in the Treasury or Bank, investments, advances and outstanding rents, rates and such liabilities as unspent balances of earmarked grants or revenues, contributions payable, deposits and unpaid bills, shall be included ;

(*c*) state whether money borrowed on the security of allocated revenues or received as a grant from Government or other sources for any specific purpose has been expended on the purpose of the loan or grant ;

(*d*) where a sinking fund has been prescribed state whether it is created and is being regularly added to ;

(*e*) state whether all advances and investments are fully secured ;

(*f*) give a list of all loans contracted by the municipal council and state whether the prescribed provision has been made for the repayment of the principal and interest out of the revenues of the municipal council ;

(*g*) certify, where separate accounts for any undertaking have to be maintained, whether they have been so maintained and whether the accounts present a true and correct view of the results of the undertaking for the period under audit ;

(*h*) give a result of the verification of the stock in the municipal stores, specify whether any losses have occurred and where they have occurred whether the system of store accounts requires to be improved ;

(*i*) certify as to the correctness of the annual account ;

(*j*) give at the end of the report a brief resume of the matters dealt with in the report and conclude with an opinion on the state of accounts as a whole ;

(*k*) append to his report—

(1) a statement showing the arrears of taxes at the end of the year and the two preceding years and the precentage of arrears to the demand ;

(2) a statement of accounts for the year showing under the head 'Receipts' :—

(i) the revenue from direct taxes ;
(ii) the revenue from indirect taxes ;
(iii) income from properties ;
(iv) income from miscellaneous sources ;
(v) Government grant ;
(vi) extraordinary items of revenue ; and

(vii) debts, deposits and advances; and under the head "Expenditure":—

(1) ordinary expenditure;

(2) capital expenditure;

(3) extraordinary expenditure;

(4) debts, deposits and advances;

(3) a statement showing the loans outstanding repayment to Government or others;

(4) a statement showing the grants received, utilised and remaining unspent as well as the grants diverted for other purposes;

(5) a statement showing the contributions due to Government and outstanding payment at the end of the period covered in audit;

(6) a statement showing the names of municipal councillors who have not paid taxes or other municipal dues indicating the period to which they relate and the amount payable; and

(7) a statement showing the total transactions under receipts and expenditure on which audit charges are leviable and the amount of audit charges payable by the municipal council.

25. *Objection statement to contain remarks on technical irregularities, etc.*—The objection statement in Form 3 shall contain remarks on technical irregularities, defects and omissions in accounts and registers and objections relating to individual items of receipts or payments.

26. *Final objection statement to be in two sections.*—The final objection statement shall be in two sections. Section I shall show items relating to the previous audit on which action or further action is necessary and Section II shall contain items relating to the current audit.

FORM 1

(*See* rules 3, 4, 15 and 18).

Transit Book of the..... .....

Date	Description of documents sent	To whom sent	Dated initials of		Date of Return	Initials of Auditor	Remarks
			Audit Superintendent/ Auditor	Receiving officer			
1	2	3	4	5	6	7	8

FORM 2

(*See* rule 6)

No...../LAC. Dated.....19.....

To

The President,

.....

.....Municipal Council.

Sir,

Sub :—Notice of the date on which it is proposed to commence audit of the accounts of the.....Municipal Council for the year.....

The audit of the accounts of.....Municipal Council for the year/s.....will be taken up on..... ..... under the provisions of the Mysore Municipalities Act, 1964.

Arrangements may kindly be made to have the accounts, registers and connected references ready for examination and to furnish promptly, information on the points raised in the course of audit.

Arrangements may also be made to produce records, etc., which were not produced during the previous audit and steps may be taken to settle all pending objections during the course of the present audit.

Yours faithfully,

Auditor.

FORM 3

(*See* rules 14, 21 and 25).

Audit objection statement on the accounts of.....for..... .....

Date of transaction and No. of voucher receipt	Particulars of transactions	Objections or suggestions	Reply of Municipal Commissioner/ Chief Officer	Notes of admission or further remarks by Auditor	Further explanation by Municipal Council	Final remarks of Auditor
1	2	3	4	5	6	7

[No. PLM 11 MLR 65.]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secretary (Special)*.

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PART IV

Section 2-C—(I)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

REVENUE SECRETARIAT

NOTIFICATION.

Bangalore, dated the 18th August, 1965

G. S. R. 627.—In exercise of the powers conferred by Section 179 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby makes the following rules amending the Mysore Land Revenue Rules 1964, the draft of the same having been published as required by sub-section (1) of the said Section in Notification No. GSR 573, dated the 22nd June, 1965 in the *Mysore Gazette* dated the 1st July, 1965, namely:—

RULES

1. **Title**:—These rules may be called the Mysore Land Revenue (Amendment) Rules, 1965.

2. **Amendment of rule 20**:—In rule 20 of the Mysore Land Revenue Rules, 1964 (hereinafter referred to as the principal rules), for the brackets and figures "(iii)", the brackets and figure "(2)", shall be substituted, and for the figures and words "10. Jantries for Dry, Wet and Garden," the figures and words "10. Jantries for Dry land, Wet land, Garden land or Plantation land" shall be substituted.

3. **Amendment of Rule 21.**—In rule 21 of the principal rules, in sub-rule (i), the brackets and words "(Pot and

Mot)" occurring in entry 2 relating to books and forms shall be omitted.

4. Amendment of Rule 32.—In rule 32 of the principal rules, for the words "and the date from which the land revenue shall be levied according to such rates", the words "and after the publication of such notice, the State Government shall by notification issued under section 122 specify the date from which the land revenue shall be levied" shall be substituted.

5. Amendment of Rule 33.—In rule 33 of the principal rules,—

(1) in sub-rule(1), for the words "the Deputy Commissioner shall cause a notice," the words ' and after the issue of a notification under section 122 specifying the date from which the land revenue shall be levied, the Deputy Commissioner shall cause a notice in Form E1" shall be substituted; and

(2) in sub-rule (2), after the words "a notice," the words, letter and figure "in Form E2" shall be inserted.

6. Substitution of new Form E.—In the principal rules for Form E, the following Form shall be substituted namely;—

"FORM"

(Rule 32)

NOTICE

Whereas in pursuance of section 121 of the Mysore Land Revenue Act, 1964 the Government of Mysore has directed in Order No..... dated..... .....that the settlement reports of the several Zones be given effect to;

Now, therefore, in exercise of the powers conferred by section 122 of the said Act read with rule 32 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates, for each of the several groups, in each of the several zones, as indicated in the Table below shall be the rates for purposes of assessment of land revenue.

TABLE

Zone number	Group number	Standard rates			
		Dry land	Wet land	Garden land	Plantation land
1	2	3	4	5	6

By Order and in the name of the
Governor of Mysore,

Secretary to Government,
Revenue Department."

7. Insertion of new Forms E1 and E2.—In the principal rules, after Form E, the following forms shall be inserted, namely :—

"FORM E1"

[(*See* rule 33(1)]

Whereas in pursuance of rule 32 of the Mysore Land Revenue Rules, 1964, the Government of Mysore has published a notice in the *Mysore Gazette*, dated.....specifying the standard rates for each of the several groups in each zone ;

And whereas in pursuance of section 122 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore has in Notification No. ..... dated..... specified..... .....as the date from which land revenue shall be levied ;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates for each class of land in.....village

.....taluk.....District, comprised in group No.....of Zone No.....as indicated in the table below shall apply for purposes of assessment of land revenue and the land revenue according to the revised rates shall be levied from.....

TABLE

Particulars of the village	Standard rate			
	Dry land	Wet land	Garden land	Plantation land
1	2	3	4	5

1 ..... Village

2 ..... aluk

3 ..... District

4 Group number.....

5 Zone number .....

Deputy Commissioner,
..... District.

"FORM E2"

[(*See* Rule 33(2)]

Whereas in pursuance of rule 32 of the Mysore Land Revenue Rules, 1964, the Government of Mysore has published a notice in the *Mysore Gazette* dated.....specifying the standard rates for each of the several groups in each zone ;

And whereas in pursuance of section 122 of the Mysore Land Revenue Act, 1964 (Mysore Act No. 12 of 1964), the Government of Mysore has in notification No ..... dated..... .....specified ... .as the date from which land revenue shall be levied ;

Now, therefore, in exercise of the powers conferred by sub-rule (2) of rule 33 of the Mysore Land Revenue Rules, 1964, notice is hereby given that the standard rates for each class of land in the different villages comprised in .....Taluk, in..... District, as indicated in the table below shall apply for purposes of assessment of land revenue and the land revenue according to the revised rates shall be levied from .....

TABLE

Zone number	Group number	Village	Standard rates			
			Dry land	Wet land	Garden land	Plantation land
1	2	3	4	5	6	7

....

Deputy Commissioner,

.....District.

[No. RD 114 SST 65.]

By Order and in the name of the Governor of Mysore,

B. S. SRIKANTIAH, *Secretary*.

NOTIFICATION.

Bangalore, dated the 29th July 1965.

G.S.R. 628.—The following draft of further amendments to the Rules made under the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation 1 of 1899) which the Government of Mysore propose to make in exercise of the powers conferred by Section 197 read with Section 202 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) is hereby published as required by sub-section (1) of Section 197 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th September 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore–1.

Draft Amendments.

In the Rules made under the Coorg Land Revenve Regulation 1899 (Coorg Regulation 1 of 1899), in Rule 90, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) Trees shall be valued at the rates prescribed in the Schedule".

Note :—For the purpose of these rules, the valuation of timber shall include the valuation of standing trees with a view to the ascertainment of their value as timber.

SCHEDULE.

Following will be the seigniorage rates for timber if removed from State Forests, District Forests, unreserved and paisari (Coorg lands) .

Sl. No.	Kind of Timber.		Seigniorage rate sanctioned per C. Ft.
1	2		3
			Rs.
1	Teak (Saguvani) Tectons grandis		9'80
2	Rosewood (Beete other than export quality (Dolbergia latifolia)	...	18.75
3	Honne (Pterocarpus mansupium)	...	4.45
4	Mathi (Kirimathi) Terminalia tomentosa	...	2.45
5	Nandi (Lagerstroemia lanceolata)	...	2.90
6	Hunsal (Terminalia Paniculata	...	1.70
7	Yettiga (Haladu) (Adina Cardifolia)	...	2.38
8	Massi (Litsea Zeylanica)	...	1.95
9	Tadasal (Grewia tiliaefolia)	...	1.75
10	Neeralu (Eugenia Jambolana)	...	1.95
11	Surhonne (Poon-Spar) Callophylllum tementosum	...	1.95
12	Jambe Jamba (Xylia xylocarpa)	..	2.00
13	Gandagarige (Red Cedar Cedrala toona	...	2.30
14	Hebbalasu (Artocarpus hirecuta)	...	2.75
15	Halasu (Artocarpus integrifolia)	...	1.60
16	Bilwara (Albizzia odoratissima)	...	2.10
17	Hadaga (Cordia macleodit)	...	3.70
18	Kadavala (Styphogyne Parviflora)	...	2.10
19	Jalari (Shorea talura)	...	2.65
20	Kalgarige (Chikrassia tabularis)	...	1.75
21	Kondala (Schleichera trifuga)	...	1.30
22	Basavanapada (Baubinia purpurea)	...	0.87
23	Shivane (Gemelina arborea)	...	1.55
24	White cedar (Dovagarige)—Dysoxylum malabaricum	...	Excluded as it is required for Defence purposes

	2		3
25	Bellatre Alibzzia paocera)	...	1.30
26	Kiralbhogi (Hopea parviflora)	...	5.00
27	Nagarampige (Messua ferrea)	...	4.00
28	Nanja-Ranje (Minusop ellengli)	...	2.50
29	Dry bagani trees per cent load Head load	...	
30	Halewood per cart load (Wrightia tomentosa	—	
	Wrightia tinctoria)	...	15.00
31	Other jungle woods	...	1.00

[No. RD 69 LCD 63.]

By Order and in the name of the Governor of Mysore,

154 N. H. SIDDIQUI, *Under Secy.*

Public Health Labour and Municipal Administration Secretariat

NOTIFICATION.

Bangalore, dated 3rd August 1965.

G. S. R. 629.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Mysore hereby makes the following rules to amend the Mysore Labour Service Directorate of Craftsmen Training (Recruitment) Rules, 1960, namely :—

1. Title.—These rules may be called the Mysore Labour Service Directorate of Craftsmen Training (Recruitment) (Amendment) Rules, 1965.

2. Amendment of Schedule.—In the schedule to the Mysore Labour Service Directorate of Craftsmen Training (Recruitment) Rules, 1960, for the entries in columns 2 and 3 relating to the category of posts of 'Craft Instructors', the following entries shall be substituted, namely :—

Method of Recruitment	Minimum qualification, period of probation, etc.
1	2
By direct recruitment by the Public Service Commission on the results of (i) a written test in theory, and a practical test in respect of the appropriate trade, and ; (ii) a *viva-voce* examination.	1 *Age.*—Must not be above thirty-one years. 2 *Qualification.*—1 (*a*) Must have passed the S. S. L. C. Examination or an equivalent examination; and (*b*) Must possess— (i) the National Trade certificate in the appropriate trade issued by the National Council for the Training in Vocational Trades, or (ii) a certificate issued by the Board of Technical Education of the Government of Mysore in the appropriate trade, or

1	2
	(iii) a certificate issued by any other State Government or body in respect of the appropriate trade recognised by the Government of Mysore as equivalent to the certificate issued by the Board of Technical Education of the Government of Mysore.
3	*Experience.*—Preference will be given to persons with two years' experience in the appropriate trade.
4	*Training.*—Persons selected by the Public Service Commission who do not possess the Craft Instructors certificate issued by the National Council for Training in Vocational Trades will be required to undergo training at the Central Training Institute for Instructors, of the Government of India and complete the training successfully before appointment as Craft Instructors. During the period of Training, they will be paid such amount as stipend as may be fixed from time to time in respect of each batch of trainees by the State Government. Persons selected for training should execute a bond, undertaking to serve the State Government for a minimum period of five years from the date of their appointment as Craft Instructors after successful completion of their training. Those who fail to complete the training successfully within two successive periods of training from the date of their selection for training, are liable to be discharged and they should refund the expenses incurred towards their training by the State Government.
5	*Probation.*—One year from the date of appointment as Craft Instructors.

[No. PLM 127 LTC 65].

By Order and in the name of the Governor of Mysore.

151 L. A. DHAMANIGI, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 5th August 1965.

G. S. R. 630—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Mysore hereby makes the following rules amending the Mysore Medical Service (Teaching and Technical personnel in Medical and Dental Colleges) Recruitment Rules, 1964, namely.—

1. Title—These rules may be called the Mysore Medical Service (Teaching and Technical Personnel in Medical and Dental Colleges) Recruitment (Amendment) Rules, 1965.

2. Amendment. of the Schedule.—In the Schedule to the Mysore Medical Service (Teaching and Technical Personnel in Medical and Dental Colleges) Recruitment Rules, 1964.—

(1) in the entries in serial number 15, relating to the category of posts of "Readers in Pharmacy", the words "with qualification as prescribed by the Pharmacy Council of India" occurrtng in column 2, and the words "and/or such other qualifications and experience as may be presicribed by the Pharmacy Council of India" occurring in column 3, shall be deleted;

(2) in the entries in serial number 16, relating to the category of posts of "Assistant professors in pharmacy", the words "with qualifications prescribed by the pharmacy council of India" occurring in column 2, and the words "and/or such other qualifications and experience as may be prescribed by the pharmacy council of India" occurring in column 3 shall be deleted;

(3) in the entries relating to serial number 17 relating to the category of posts of "Lecturers in pharmacy" in column 3, the words "and/or such other qualifications and experience as may be prescribed by the pharmacy council of India" shall be deleted.

[No. PLM 959 MMC 64.]

By Order and in the name of the Governor of Mysore,

155 S. B. CHIKKAMATH, *Under Secy.*

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 5th August 1965.

G. S. R. 631.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules to amend the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, namely :—

1. Title.—These rules may be called the Mysore Civil Services (Classification, Control and Appeal) (Sixth Amendment) Rules, 1965.

2. Amendment of Schedule II.—In Schedule II to the Mysore Civil Services (Classification, Control and appeal) Rules, 1957, for the entries relating to the class of posts of "Taluk Sheristedars", the following entries shall be substituted, namely :—

"Taluk Sheristedars	Divisional Commissioner	Deputy Commissioner	(i) and (iii)	Divisional Commissioner
		Divisional Commissioner	(iv, to (viii)	Government."

[No. GAD 108 SSR 65.]

By Order and in the name of the Governor of Mysore,

159 B. Purushotham, *Under Secy.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated the 13th August 1965.

G.S.R. 632 The following draft of the Mysore Prohibition (Use of Spirits in the manufacture of Medicinal and Toilet Preparations) Rules, 1965 which the Government of Mysose proposes to make in exercise of the powers conferred by section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962) and in supersession of all rules, notifications and orders on the subject made or issued under any enactment repealed by sub-section (1) of section 129 of the said Act, is hereby published as required by sub-section (3) of section 124 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 15th October 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft rules before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government, Home Department, Vidhana Soudha, Bangalore-1.

Draft Rules.

THE MYSORE PROHIBITION (USE OF SPIRITS IN THE MANUFACTURE OF MEDICINAL AND TOILET PREPARATIONS) RULES, 1965.

1. Title and commencement.—(1) These rules may be called the Mysore Prohibition (Use of Spirits in the manufacture of Medicinal and Toilet preparations) Rules, 1965.

(2) They shall extend to all the areas of the State of Mysore where the Mysore Prohibition Act, 1961, is in force.

(3) They shall come into force at once.

2. **Definitions.**—In these rules unless the context otherwise requires,—

(*a*) "Act" means the Mysore Prohibition Act, 1961;

(*b*) "Form" means a form appended to these rules;

(*c*) "licence" means a licence granted under these rules;

(*d*) "Licensed Premises" means the premises in respect of which the licence is granted under these rules;

(*e*) "licensee" means a person holding a licence under these rules.

3. **Application for licence.**—Any person desiring to purchase, possess or use any spirits for the manufacture of any medicinal or toilet preparation may apply to the Deputy Commissioner for a licence in that behalf. The application shall contain the following particulars, namely :—

(*a*) Name and address of the applicant;

(*b*) Kind and quantity of spirits required per month together with its name, if any;

(*c*) Kind of Medicinal or Toilet Preparation or Preparations for the manufacture of which the spirit is required together with the name or names of such preparation or preparations;

(*d*) Place where the spirit will be kept and used;

(*e*) Name and address of the person from whom the spirit is to be purchased and his licence number for the sale of spirit;

(*f*) The period for which the licence is required; and

(*g*) The number and date of the licence or licences obtained under the Medicinal and Toilet Preparations Act, 1955, and the Drugs Act, 1940.

4. **Grant of licence.**—On receipt of an application under rule 3 the Deputy Commissioner shall make such enquiries as he may deem necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, grant the applicant a licence in Form M. P. S. I on payment of a fee of Rs. 25 specifying therein the kind of spirits together with its specification, if any, permitted to be used and also the quantity allowed to be used during a month.

5. **Duration of licence etc.**—(1) No licence under these rules, shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

(2) No licence shall be granted to a minor.

6. **Use of spirits.** —The licensee shall not use or allow to be used the spirits except in the licensed premises and except in his own presence or in the presence of any other person duly authorised under a written authority granted by him in this behalf.

7. **Purpose of use.**—The licensee shall not use the spirits except for the purpose for which it is permitted to be used.

8. **Accounts to be maintained.**—The licensee shall maintain accounts in Form M. P. S. II and submit returns in Form M. P. S. III.

9. **Inspections.**—The licensed premises, the spirits kept therein and the accounts maintaned in respect of such spirits shall, at all times be open to inspection by any Officer empowered under section 101 of the Act.

10. **Remarks of Inspection.**—The licensee shall keep in his licensed premises an inspection book paged and stamped with the seal of the Deputy Commissioner or any other Officer authorised by him in this behalf, in which inspecting Officers may record their remarks when inspecting the premises.

11. Licensee to execute agreement.—The licensee shall abide by the provisions of the Act, and the Rules, Regulations and Orders made thereunder and the conditions of the licence and shall at the time of taking delivery of the licence give an undertaking to that effect in the form of a counterpart agreement on appropriate stamp paper.

12. Suspension and cancellation of licence.—Any licence may be suspended or cancelled in accordance with the provisions of section 45 or 47 of the Act.

13. Effect of suspension or cancellation.—In all cases where a licence is cancelled or suspended during the currency of the period of the licence or is not renewed after the expiry of such period, the licensee shall surrender forthwith the whole of the unused stock of spirits to the Deputy Commissioner.

14. Special conditions.—(1) Notwithstanding anything contained in these rules, no licence for the possession and use of rectified spirit or absolute alcohol or for the transport thereof shall be granted under these rules, unless the licensee holds a valid licence or permit for the aforesaid purpose under the Mysore Prohibition (Rectified Spirit) Rules.

(2) Except as provided in sub-rule (1) the provisions of these rules shall be in addition to and not in derogation of the provisions of the Mysore Prohibition (Rectified Spirit) Rules, 1962, in so far as they relate to the matters dealt with in these rules.

FORM M.P.S. I.

(*See rule 4*)

License No. DISTRICT.

License for purchase, possession or use of spirits for the manufacture of Medicinal and Toilet Preparations.

License is hereby granted, under and subject to the provisions of Mysore Prohibition Act, 1961, and the rules, regulations and orders made thereunder to..... .....(hereinaltar called "The Licensee") of.....on payment of a fee of Rs. in advance authorising the purchase, possession or use of the spirits specified below during the period from.....to.....at his premises situated at.....(hereinafter called " licensed Premises ") subject to the following conditions, namely :—

CONDITIONS

1. The licensee is authorised to possess the following kinds of spirits.

1.....
2.....
3.....

2. The licensee shall not use the said spirit(s) for any purpose except for the manufacture of the following preparations :—

1.....
2.....
3..... .....

3. The licensee shall not transport any spirit(s) unless the transport is covered by a permit issued in from S.M.P. 4.

4. The licensee shall not purchase in any month exceeding..... litres in aggregate.

5. The licensee shall not have in his possession more than..... litres of spirits at any one time.

6. The licensee shall abide by the provisions of the act, rules regulations, and orders made thereunder and the conditions of the license and shall also comply with all orders of the Prohibition Commissioner, Deputy Commissioner and other Prohibition Officers.

7. In case the license is cancelled or suspended during its currency or is not renewed on its expiry the licensee shall forthwith surrender the whole of the unused stock of the spirits to the Deputy Commissioner.

8. The license may be suspended or cancelled in accordance with the provisions of sections 45 and 47 of the Mysore Prohibition Act, 1961.

Granted this day.....of.....19.....

Seal of the
Deputy Commissioner

Signature of the Deputy Commissioner,
.....District.

FORM M. P. S. II

(*See* Rule 8)

Register of spirits received, used and in balance maintained by a licensee holding a licence in Form M. P. S. I.

	In hand			Received				Total (in hand and received)			Expended						Balance		
Month and date	Quantity	Strength	Proof	Whence	Indent Number	Permit Number	Quantity	Strength	Proof	Quantity	Strength	Proof	Serial No. in manufacturing register	Quantity	Strength	Proof	Wastage Proof litres	Quantity	Strength	Proof
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

FORM M. P. S. III

(*See* Rule 8)

Monthly return of spirits received, used and in balance submitted by a licensee holding a license in Form M. P. S. I.

Name of the licensee. License No.

Quantity of Spirits in stock on the 1st of the month.	Quantities received in the month	Permit Nos.	Total of columns 1 and 2.	Quantity utilised in the month in manufacture of preparations	Serial No. of the register in form R.G. 3 maintained under the M and T. P. Act.	Closing blance of spirits in stock as on the last day of the month	Remarks
1	2	3	4	5	6	7	8

By Order and in the name of the Governor of Mysore,
M. S. SHANKAR RAO, *Secretary*.

Finance Secretariat.

NOTIFICATION.

Bangalore, dated 5th August 1965.

G. S. R. 633.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore is pleased to make the following rule further to amend the Mysore Civil Services Rules, namely,—

1. Title.—These rules may be called the Mysore Civil Services (Nineteenth Amendment) Rules, 1965.

2. Amendment to rule 106-A.—To rule 106-A of the Mysore Civil Services Rules, the following shall be added as Note 2 after numbering the existing Note as Note 1:

"*Note* 2: Where a day's duty of a Government servant is divided into two parts, unauthorised absence for any one part shall entail forfeiture of half a day's pay and allowances."

533

[No. FD 12 SRS 65].

By Order and in the name of the Governor of Mysore,

156 C. Britto, *Under Secy.*

NOTIFICATION.

Bangalore, dated 5th August 1965

G. S. R. 634.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rule further to amend the Mysore Civil Services Rules, namely,—

1. Title.—These rules may be called the Mysore Civil Services (Eighteenth Amendment) Rules, 1965.

2. Amendment to rule 487 :—In rule 487 of the Mysore Civilservices Rules, after Note-2-A, the following shall be inserted as note 2-B, namely,—

"*Note* 2-B: All Gazetted Government servants may, with effect from 27th May, 1965, perform journeys on duty between Bangalore and Mysore *by air*. This concession will be effective for a period of six months from 27th May 1965 unless extended further by an order of Government."

532

[No. FD 23 SRS 65.]

By Order and in the name of the Governor of Mysore,

158 C. BRITTO, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 12th August 1965.

G. S R 635.—In exercise of the powers conferred by sub-section (2) of Section 323 of the Mysore Municipalities Act, 1964(Mysore Act 22 of 1964), the Government of Mysore hereby makes the following amendment to the Mysore Municipalities (Correspondence) Rules, 1965, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in notification No. PLM 14 MLR (1) 65 dated 21st June 1965, published as G. S. R 561 in Part IV 2(c) (i) of the *Mysore Gazette* dated 24th June 1965, namely,—

THE MYSORE MUNICIPALITIES (CORRESPONDENCE) (AMENDMENT) RULES, 1965

1. Title.—These rules may be called the Mysore nicipalities (Correspondence) (Amendment) Rules, 1965.

2. Amendment of rule 5.—In Rule 5 of the Mysore Municipalities (Correspondence) Rules, 1965, published in notification No. G.S.R. 501, dated the 4th May 1965 for the words "every communication relating to any correspondence under rule 4", the words "in the case of a town municipal council, every communication relating to any correspondence under rule 4 addressed to the Deputy Commissioner of the District" shall be substituted.

[No. PLM 14 MLR (1) 65.]

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secy.*

Finance Secretariat

NOTIFICATION.

Bangalore dated 9th August 1965

G. S. R. 636.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Treasury Code, 1963, namely,—

In the said Code, in Volume I,

In Article 68 (P–41),

The word 'or' appearing in line 3 on page–41 shall be *substituted* by the word 'and'.

73

[No. FD 7 RTC 60].

By Order and in the name of the Governor of Mysore,

165

N. S. Bharath, *Dy. Secy.*

NOTIFICATION.

Bangalore, dated 9th August 1

G. S. R. 637.—In exercise of the powers conferred by Clause (2) of Article 283 of the Constitution of India, the Governor of Mysore is pleased to make the following further amendment to the Mysore Financial Code, 1958, namely ,—

In the said Code,

In the "Explanation" below, Note-2 (b) under Article 161 (5) as inserted by Government Notification No. FD 111 RFC 62, dated 23rd October 1962, C. . No. 342 *insert* the following as a separate para.

> "Library books and articles of furniture, do not fall within the definition of the term 'assets' but an inventory, of such articles should nevertheless be maintained by the authorities and produced at the time of audit".

521

[No. FD 56 RFC 65.]

By Order and in the name of the Governor of Mysore,

166 N. S. BHARATH, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated the 5th August 1965.

G. S. R. 638.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore, is pleased to make the following rule further to amend the Mysore Civil Services Rules, namely,—

1. Title and commencement.—These rules may be called the Mysore Civil Services (Twentieth Amendment) Rules. They shall be deemed to have come into force with effect from 1st November 1956.

2. Amendment to Rule 235.—To Rule 235 of the Mysore Civil Services Rules, the following Note shall be added namely,—

"*Note*:—Wherever pensionable service under Government has been rendered in continuation of service in Local Bodies, District Boards, Municipalities etc., former State Railways of Mysore and Hyderabad, Central or State Commercial concerns or autonomous Bodies or Organisations set up by the Government of India or the State Government, the service rendered in such Institutions shall count as qualifying service for pension subject to the following conditions . —

(i) Where a Government servant was governed by the Contributory Provident Fund Scheme under the Institutions referred to above, the accumulation of the contribution made by the Employer to his Provident Fund together with interest thereon upto the date of his absorption in Government service is credited to Government, or

(ii) Where a Government servant was not governed by a Provident Fund Scheme, pension contribution at 1/8th of the pay drawn by him from time to time during the period in question is credited to Government.

Provided that the service to be counted as qualifying service under (i) and (ii) above shall be restricted to the period for which the Government servant was subscribing to the Provident Fund or for which pension contribution is received.

(iii) The Controller, State Accounts Department, in the case of employees who had rendered service in Local Bodies and a responsible Departmental Officer in the case of employees who had rendered service in other Institutions prior to their service in Government, shall certify the correctness of the amounts credited to Government Based on these certificates (to be recorded in the Service Books in the case of non-gazetted Government servants), the Accountant-General will admit the service rendered in the Local Bodies or other Institutions for purposes of granting the retirement benefits'.

534

[No. FD 6 SRS 65.]

By Order and in the name of the Governor of Mysore.

C. BRITTO, *Under Secy.*

Home Secretariat.

NOTIFICATION.

Bangalore, dated .....1965.

G. S. R. 639.—The following draft of the Mysore prohibition (Privi eges Fees) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962) and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, is hereby published as required by sub-section (3) of Section 124 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 15th October 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the aforesaid date, will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES

The Mysore Prohibition (Privileges Fees) Rules, 1965.

1. Title, extent and commencement.— (1) These rules may be called the Mysore Prohibition (Privileges Fees,) Rules, 1965.

(2) These rules shall extend to all the areas of the State of Mysore where the Mysore Prohibition Act, 1961 is in force.

(3) They shall come into force at once.

2. Definitions .—In these rules, unless the context otherwise requires :—

(*a*) "Act" means the Mysore Prohibition Act, 1961 ;

(*b*) "Licence" means a licence granted under any of the provisions of the Act, rules, orders or regulation made thereunder ;

(*c*) "Licensee" means person holding a licence ;

(*d*) "Permit" means and includes a pass and/or authorisation granted for the possession and/or transport and/or consumption of any intoxicant under any of the provisions of Act, rules, orders or regulations made thereunder ;

(*e*) Words and expressions not defined in these rules shall have the same meanings respectively assigned to them in the Act.

3 Fee for Issuing a Nowkernama .—Save as otherwise provided in any of the rules, orders or regulations made or issued under the Act, the fee for the exercise by any licensee of the privilege of issuing a Nowkernama shall be Re. 1 for each such nowkernama and it shall be paid into the Government treasury before the Nowkernama is issued by any licensee :

Provided that when countersignature of the Nowkernama of the provisionally appointed agent or servant is refused, no further fee shall be leviable on the appointment by the licensee of any other person in his place as such agent or servant.

4. Fee for Transfer of a Licence from one Site to Another.—The fee for the privilege of having the transfer of a licence from one site to another shall be 10 per cent of the annual fee charged for such licence or Rs. 5 whichever is higher.

5. Fee for Transfer of Licence from one Name to Another.—The fee payable by any licensee for the privilege of having the transfer of his licence from one name to

another shall be the same as the fee charged for the grant of the licence or Rs. 10 whichever is higher.

6. Fee for Admission or withdrawal from the business of a Partner.—The fee payable by any licensee for the privilege of allowing admission of a partner into or the withdrawal of a partner from the business under the licence shall in respect of each partner admitted in or withdrawn from such business be 50 per cent of the fee charged for the grant of the licence or Rs. 10 whichever is higher.

7. Fee for Amendment of a Licence or Permit.—The fee for the privilege of having an amendment made in the particulars entered in any licence or permit shall be Re. 1 per amendment.

8. Rounding of Fees.—While recovering fees under these rules any amount less than 50 nP shall be remitted and 50 nP or more shall be rounded to the extent of a whole rupee.

[No. HD1 26 EDC 65]

By Order and in the name of the Governor of Mysore,

M. S. SHANKARA RAO, *Secy.*

Printed by the Director of Printing, Stationery & Publications at the Govt. Press, B'lore.

PART IV

Section 2-C—(1)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION

General Administration Secretariat.

NOTIFICATION.

Bangalore, dated 5th August 1965.

G. S. R. 631.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Mysore hereby makes the following rules to amend the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, namely :—

1. Title.—These rules may be called the Mysore Civil Services (Classification, Control and Appeal) (Sixth Amendment) Rules, 1965.

2. Amendment of Schedule II.—In Schedule II to the Mysore Civil Services (Classification, Control and appeal) Rules, 1957, for the entries relating to the class of posts of "Taluk Sheristedars", the following entries shall be substituted, namely :—

"Taluk Sheristedars	Divisional Commissioner	Deputy Commissioner	(ii) and (iii)	Divisional Commissioner
		Divisional Commissioner	(iv) to (viii)	Government."

[No. GAD 108 SSR 65.]

By Order and in the name of the Governor of Mysore,

B. PURUSHOTHAM, *Under Secy.*

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19th August 1965.

G. S. R. 642.—The draft of the following amendments to the Mysore Municipalities (Election of Councillors) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by sections 38 and 323 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964) is hereby published as required by sub-section (1) of Section 38 and 323 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 27th September 1965.

Any objection or suggestion which may be received from any person with respect to the said draft rules, by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to the Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT MYSORE MUNICIPALITIES (ELECTION OF COUNCILLORS) AMENDMENT RULES, 1965.

1. Title.—These rules may be called the Mysore Municipalities (Election of Councillors) (Amendment) Rules, 1965.

2. Amendment of rule 4.—In rule 4 of the Mysore Municipalities (Election of Councillors) Rules, 1965 (hereinafter called the principal rules)—

(*a*) in sub-rule (1), for the words "to every municipal council, the Commissioner shall, with the approval of the

Government" the following words shall be substituted, namely.—

"to every city municipal council, the Commissioner and to every town municipal council, the Deputy Commissioner shall",;

(b) in the proviso to sub-rule (1), after the word "Commissioner" the words "or Deputy Commissioner" shall be inserted.

3. Amendment of rule 41.—In clause (b) of sub-rule (1) of rule 41 of the principal rules, in the third line, for the word "candidate" the word "candidates" shall be substituted.

4. Amendment of rule 51.—In rule 51 of the principal rules, for the words "Counting of votes" occurring in the marginal heading, the words "Procedure of counting of votes" shall be substituted.

5. Amendment of rule 56.—In sub-rule (2) of rule 56 of the principal rules, clause (d) shall be deleted.

6. Amendment of rule 57.—In rule 57 of the principal rules,—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) The votes recorded on every ballot paper which is not rejected under rule 56 shall be counted:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.";

(2) after sub-rule (1), the following sub-rule shall be inserted, namely :—

"(1A) A vote recorded on a valid ballot paper shall be rejected if the mark indicating the vote or votes thereon is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote or votes, has or have been given.

Provided that where a voter has more votes than one, the vote or votes other than the rejected vote shall be duly counted."

7. Substitution of new rule for rule 61.— For rule 61 of the principal rules, the following rule shall be substituted, namely :—

"**61. Declaration of the result of election**.—(1) The returning officer shall, subject to the provisions of Section 20, if and so far as they apply to the particular cases, declare the results in the following manner, namely :—

(a) at an election in a division where there are only non-reserved seats, the returning officer shall declare such number of candidates equal to the number of seats in the division as have secured the highest number of votes in the descending order, to be duly elected ;

(b) at an election in a division where the seats to be filled include one or more seats reserved for Scheduled Castes or women, the returning officer shall first declare such candidate or candidates qualified to be chosen to fill the reserved seat or seats, who have secured the largest number of votes, to be duly elected to the reserved seat or seats, as the case may be, The returning officer shall thereafter declare from among the remaining candidates (including those who are qualified to be chosen for the reserved seat or seats) such of the candidates as have secured the highest number of votes in the descending order to be duly elected to the non-reserved seats.

Illustration:—At an election in a division to fill five seats of which one is reserved for Scheduled Castes and one for women, there are seven contesting candidates A, B, C, D, E, F, and G and they secure votes in descending order,

A securing highest number. B and D are qualified to be chosen to fill the seat reserved for Scheduled casters, and C E and G are qualified to be chosen to fill the seat reserved for women, while A and F are not qualified to fill either of the reserved seats. The returning officer shall first declare B duly elected to fill the seat reserved for Scheduled Castes and C duly elected to fill the seat reserved for women. He shall then declare A, D and E, and not A, F and G, duly elected to fill the remaining three seats.

(2) The returning officer shall thereafter complete and certify the return of election in Form 19 and send signed copies thereof to the Deputy Commissioner of the District, the Commissioner and the Government."

8. **Insertion of new rule 61A.**—After rule 61 of the principal rules, the following rule shall be inserted, namely:—

"**61A. Publication of the results of elections.**—On receipt of the return of election in Form 19, the Commissioner, in the case of city municipal council, and the Deputy Commissioner, in the case of a town municipal, shall forthwith publish the names of the persons elected in the official Gazette.

61B. Election to more than one division in a municipal council.—(1) If a person is elected to a municipal council from more than one division, he shall, by notice in writing signed by him, and delivered to the Deputy Commissioner of the District in the case of a town municipal council, and the Commissioner, in the case of a city municipal council, within seven days from the date of publication in the official Gazette that he has been so elected, or if such publications have been made on different dates, within seven days from the later of such dates, choose any one of the divisions which he shall serve and the choice shall be final.

(2) If the person does not make the choice within the period specified in sub-rule (1), the Deputy Commissioner, in the case of a town municipal council, and the Commissioner, in the case of a city municipal council, as the case may be, shall determine by lot and notify the division which such person shall serve.

(3) Such person shall be deemed to have been elected only for the division so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other division or divisions shall be filled up by election as if they were casual vacancies under section 19."

9. Amendment of rule 69.—In rule 69 of the principal rules, the words "by him" shall be deleted.

10. Insertion of new rules 70A and 70B.—After rule 70 of the principal rules, the following rules shall be inserted, namely:—

70A. Assistance to the returning officer.—The Municipal Commissioner, the Chief Officer and all other officers and servants of a municipal council shall render such assistance to the returning officer as may be required by him in the conduct of elections.

70B. Provision of funds for election.—The municipal council shall provide the returning officer with the necessary funds required for the conduct of election, on requisition from him and in advance."

11. Amendment of Form 1.—In form 1 appended to the principal rules, for item (1), the following shall be substituted, namely,—

"(1) The number of councillors to be elected from each of the divisions of the .... City

(2) Place a cross mark thus "x" against each of the candidates for whom you wish to vote ;

(3) The mark should be placed against not more than... ..... names ;

(4) *the candidates against whose name an asterisk is printed are persons eligible to fill the seats reserved for scheduled castes.

(5) **the candidates against whose names two asterisks are printed are persons eligible to fill the seats reserved for women."

15. Amendment of form 19.—For form 19 appended to the principal rules, the following form shall be substituted, namely,—

FORM 19.

Return of Election.

(*See* Rule 61)

Election to the.....from the.....Division

Return of election.

Sl. No.	Name of candidate	Number of valid votes given to the candidate
.....	.....	.....
.....	.....	.....

Total number of valid votes polled.....

Total number of rejected votes .....

Total number of tendered votes .....

I declare that

1. .... (Name)
   of..... (Address)
2. ....(name) .....
   of..... ..... (Address). etc.

has/have been duly elected to fill the seat/s reserved for the Scheduled Castes.

I declare that

1. ..... (Name)
   of..... ..... (Address)
2. .....(name) .....
   of .....(Address). etc.

has/have been duly elected to fill the seat/s reserved for women.

1. .....Name of.....(Address)
2. ....Name of.....(Address)

etc. has/have been duly elected to fill the non-reserved sea's "

Place..... .....
Date.....

Returning Officer.

[No. PLM 25 MLR 65].

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secretary* (*Special*),

Law Secretariat.

NOTIFICATION

Bangalore, dated the 5th August 1965.

G. S. R. 643.—In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India, the Governor of Mysore, hereby makes the following further amendments to the Mysore Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1959, namely :—

In Schedule II to the said rules,

(i) For the entries relating to the "Editor of Debates", the following entries shall be substituted, namely :—

"Editor of Debates.	(a) By promotion by selection of a Reporter of the Mysore Legislature Secretariat, or Assistant Editor of debates. (b) By transfer of a person from the State Civil Services holding a comparable post, or (c) By direct recruitment.	The Candidate must be a Graduate of a University established by law in India with Kannada as Second Language or as an Optional subject preference being given to candidates who possess a Degree of Master of Arts. In the case of appointment by direct recruitment, the candidate, if he is not in Government service, must not be more than 35 years of age on the date of appointment and if the candidate is in Government service he must not be more than 40 years of age on the date of appointment."

(ii) For the entries relating to the "Translators, Assistant Editor, Reporters", the following entries shall be substituted, namely :—

"Translators	(a) By promotion of Assistants of the Mysore Legislature Secretariat, (b) By transfer of af person from the State Civil Services holding a comparable post, or (c) By direct recruitmeat.	The candidate must be a Graduate of a University establishedl aby law in India with Kannada as Second Language or as Optiona Subject. He must be proficient in Kannada and English and must be ble to translate with ease from the one language to the other and rom the particular language from which it is translated to Kannada or English. When the appointment is made by direct recruitment, the candidate must not be more than 35 years of age on the date of appointment.
Assistant Editor.	(a) By promotion by selection of a Translator of the Mysore Legislature Secretariat, (b) By transfer of a person from the State Civil Services holding a comparable post, or (c) By direct recruitment.	The candidate must be a Graduate of a University established by law in India with Kannada as Second Language or as Optional subject. In the case of appointment by direct recruitment, the candidate must not be more than 35 years of age on the date of appointment.

(a) By promotion by selection of Stenographers of the Mysore Legislature Secretariat, or
(b) By direct recruitment.

For direct recruitment or promotion, the candidate must have the following qualifications :—

A. English Reporters.	B. Kannada Reporters.	C. Language Reporters.
1. A candidate holds a Degree of a University established by Law in India ; and 2. Proficiency in English Shorthand and English Typewriting conducted by the Board for Commercial Education and Examinations, Government of Mysore. OR Any other equivalent examinations as may be prescribed by the Commission.	1. S. S. . C. Examination, preference being given to a candidate who holds a Degree of a University established by Law in India; and 2. Proficiency in Kannada Shorthand conducted by the Board for Commercial Education and Examinations, Government of Mysore. OR Any other equivalent examinations as may be prescribed by the Commission.	1. S. S. L. C. Examination, preference being given to candidate who holds a Degree of a University established by Law in India ; and 2. Such Examination in Short-hand in the particular Language as may be prescribed by the Commission.

When the appointment is made by direct recruitment, the candidate must not be more than 30 years of age on the date of appointment.''

V. V. GIRI,
Governor of Mysore.
[No. LAW 61 LGR 61.]

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secretary.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19th August 1965.

G. S. R. 644.—The following draft of the Mysore Prohibition (Bottling) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 124 of the Mysore Prohibition Act, 1961 (Mysore Act No. 17 of 1962) and in supersession of all rules, notifications, orders on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, is hereby published as required by sub-section (3) of Section 124 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 15th October 1965.

Any objection or suggestion which may be received from any person by the Government of Mysore with respect to the said draft rules before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Secretary to the Government, Home Department, Vidhana Soudha, Bangalore-1.

DRAFT RULES.

THE MYSORE PROHIBITION (BOTTLING) RULES, 1965.

1. Title, extent and commencement.—(1) These rules may be called the Mysore Prohibition (Bottling of Liquor) Rules, 1965.

(2) They shall extend to all the areas of the State where the Mysore Prohibition Act, 1961 is in force.

(3) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires :—

(*a*) "Act" means the Mysore Prohibition Act, 1961;

(*b*) 'Form' means a form appended to these rules ;

(*c*) 'Licence' means a licence granted under these rules ;

(*d*) 'Warehouse' means a warehouse established or licensed under clause (*d*) of Section 18 of the Act or any premises specially licensed for the purpose of these rules and includes a distillery established under clause (a) of Section 18 of the Act ;

(*e*) 'Warehouse Officer' means the Prohibition or Excise Officer placed in charge of a warehouse.

3. Restrictions on the grant of Licenses to Bottle Liquor.—(*a*) Liquor shall not be bottled except at a warehouse;

(*b*) No person shall be granted a licence to bottle liquor unless he holds licence for the distillation or manufacture of liquor or a Trade and Import licence or a licence for compounding, blending or reducing of liquors or any other licence which requires the possession of a bottling licence ;

(*c*) No person shall be granted a licence to bottle liquor unless he holds (1) a trade and import licence or (2) a retailers licence for sale of liquor and (3) any other licence which requires the possession of bottling licence.

4. Application for Licence.—A person holding any of the licences specified in rule 3 and desirous of obtaining a licence to bottle liquor may make an application to the Commissioner specifying the Warehouse in which the operation of bottling liquor is to be carried on together with a detailed plan thereof.

5. Arrangement of Warehouse.—(*a*) Separate rooms or compartments having their grilles embedded in cement shall be provided in every warehouse in which bottling operations are intended to be carried on. Each such room or compartment shall be used only for one of the purposes specified below, namely,—

(i) the storage of liquor in bulk before bottling;

(ii) the carrying on of bottling operations and

(iii) the storage of liquor in sealed bottles,

(*b*) Every room or compartment in the warehouse shall be well ventilated and all the windows thereof shall be securely barred and wire-netted, the net having a mesh of not more than one inch. Every such room or compartment shall bear on the outside a sign board on which shall be legibly painted in oil colour the purpose for which the room or compartment is used. At the close of each working day the warehouse and every room or compartment therein shall be looked by the licensee and the Warehouse Officer with separate locks ;

(*c*) After a license has been granted under rule 6 no additions to or alterations in any room or compartment or any of the permanent fixtures of the warehouse shall be made without the previous approval of the Deputy Commissioner ;

(*d*) The licensee shall provide free of cost suitable office accommodation, with sanitary arrangements for the Warehouse Officer and his staff, within the premises of the warehouse and shall also supply free of cost such furniture and other articles for the use of the Warehouse Officer and his staff as the Deputy Commissioner may consider necessary ;

(*e*) No smoking or any naked lights or fire shall be allowed within the premises of the Warehouse.

6. Grant of License.—If after making such enquiries as he may deem necessary the Commissioner is satisfied that the applicant is a fit person to hold a license and that the warehouse in which he proposes to carry on the bottling operations is suitable, he shall, subject to the conditions hereinafter provided grant a license on paynent of a fee of Rs. 1000 per annum.

7. Duration of License.—The license shall be granted in Form M. P. B. I. and shall take effect from the day specified

therein and shall remain in force until 31st March next following the date of commencement of the license.

8. Conditions to be Observed by the Licensee.—The licensee other than one holding a license for the manufacture of liquors shall when the Commissioner so directs, observe the following conditions, namely :—

(*a*) He shall give 6 hours notice of his intention to bottle liquor to the Warehouse Officer ;

(*b*) He shall not carry on the bottling operations except in the presence of the Warehouse Officer or such other Officers as may be deputed in that behalf ;

(*c*) He shall not carry on bottling operations except during the hours prescribed in the license.

9. Rent of Warehouse.—(*a*) If the warehouse in which the bottling operation is to be carried on, is a warehouse established under clause (*d*) section 18 of the Act, the licensee shall pay such monthly rent for the portion of the warehouse placed in his possession as the Commissioner may think.

(*b*) If the warehouse in which the bottling operations are to be carried on is not a Private warehouse, the licensee shall remove from the warehouse the whole consignment of liquor deposited therein for the purpose of these rules either in whole or in parts within a fortnight (excluding Sundays and holidays) from the date of receipt thereof in the warehouse. If any liquor remains in the warehouse for a period exceeding a fortnight the licensee shall pay rent at such rate as the Commissioner may, from time to time, in this behalf in addition to the rent payable under sub-clause (*a*)

10. Cost of Supervisory Staff.—The Commissioner may appoint such Prohibition and or Excise Staff as, in his opinion, is necessary for the proper supervision of the operations performed in the warehouse and the licensee shall pay in advance to Government at the begining of each quarter, the cost including the pension. Contribution,

house rent allowance, conveyance allowance and other charges of the supervisory staff as may be fixed by the Commissioner.

11. Fee for Examination of Samples.—The licensee shall pay such fee not exceeding Rs. 5 as the Commissioner may fix for each examination of a sample made by the Chemical Analyser to Government under these rules.

12. Notice for discontinuing Bottling Operations.—The licensee shall not discontinue the bottling operations unless he has given three clear calendar months' notice of his intention to do so.

13. What Spirits may be Bottled.—(*a*) No spirit of a strength lower than 35° U. P. in the case of gin, and 25° U. P. in the case of other potable spirits or lower than such strengths as may, from time to time, be fixed by the Commissioner for such spirits shall be bottled:

Provided that duty paid on imported spirit which is of a strength lower than 25° U. P. and any liquors which are obscured in strength may be bottled;

(*b*) No spirit which has not been allowed to settle in a woodenvat or receptacle for at least 36 hours after it has been finally compounded shall be bottled;

(*c*) No Indian-made spirit, the obscured strength of which is lower than 35° U. P. shall be bottled.

14. Accounts and Storage.—(*a*) No liquor shall be bottled unless an account of the quantity of the liquor and in the case of spirits the strength thereof, has been taken by the Warehouse Officer;

(*b*) The licensee shall keep, in a book, true accounts of the quntity of all liquor used in the bottling operations. The account book shall remain in the custody of the Warehouse Officer who shall check the accounts at the end of each day's work;

(*c*) The licensee shall store all liquor intended for bottling in casks or containers. Each cask or container

shall bear a serial number and a description of its capacity. No alteration shall be made in the casks or containers, nor any devise be used which is likely to render the accounts of the liquor contained in any such cask or container unreliable or checking thereof by the Warehouse Officer difficult.

15. **Procedure before starting bottling operations.**—(*a*) Before commencing the bottling operation, the licensee shall make an application to the Warehouse Officer giving full description of the liquors to be bottled.

(*b*) The Warehouse Officer shall, before the liquor is removed from the store room to the bottling room;

(*i*) Compare the marks stated in the application with those on the casks or containers containing the liquor to be bottled,

(*ii*) ascertain the actual quantity of the liquor by re-gauging the casks or containers and also the strength in the case of spirits, and

(*iii*) record the quantity and strength so ascertained on the application.

(*c*) All the liquor intended for bottling shall be removed from the store room to the bottling room in the presence of the Warehouse Officer and shall be bottled in the bottling room. No other operation shall be performed in the room at the same time;

(*d*) All the operations in the bottling room shall be performed in the presence of the Warehouse Officer.

16. **Cleaning of bottles and bottling of liquor.**—(*a*) The bottles shall be cleaned and rinsed immediately before bottling commences, with a freshly prepared solution of permanganate of potash in the proportion of one grain to one gallon of water, or any other of the disinfectants of such strength as may from time to time be prescribed by the Commissioner;

(*b*) Each bottle shall contain either one litre or 3/4 litre or 1/2 litre or 2/10 litre or 1/10 litre;

(*c*) The bottles shall, as soon as they are filled, be corked and sealed or capsuled. Each bottle shall bear a label, the design and superscription which have been previously approved by the Commissioner and shall show:—

(1) the brand and description of the liquor contained therein; (including the strength);

(2) the country of origin of manufacture;

(3) the fact that the compounding or blending if any, was done in India.

(4) the place of bottling;

(5) the full name of the licensee; and

(6) the full name of the manufacturer.

No particulars other than those specified above shall be printed or shown on the same or any other label or the bottles;

(*d*) The lables or capsules shall bear words "Bottled in the Excise Bonded Warehouse".....but should not in any way mis-describe the bottling operations,

(*e*) All bottles containing wines or spirits shall have either lead capsules properly fixed with a capsuling machine or paper capsules, of a pattern approved by the Commissioner which shall be gummed over the cork and round the neck of the bottle.

The Warehouse Officer shall see that the labelling and corking of bottles have not been done in contravention of the provisions of the Indian Merchandise Marks Act, 1889

(*f*) The whole of the contents of a cask or container shall be bottled in one operation. When the bottling operation is completed the Warehouse Officer shall ascertain the quantities and in the case of spirits, also the strength and adjust the licensee's accounts by writing off ullage and wastage;

(g) The bottles shall be packed immediately after filling. Each package shall contain half a dozen or a dozen or multiplies of half a dozen of bottles and each package shall be of uniform size The Warehouse Officer shall satisfy himself that each package contains the appropriate number of bottles and see that the packages are closed at once and fastened ;

(h) Rebottling shall not be carried out without the previous permission of the Commissioner ;

(i) The Warehouse Officer shall record all the details in the register kept for that purpose.

17. Cleaning of premises.—After each bottling operation, the warehouse shall be cleaned by the licensee to the satisfaction of the Warehouse Officer.

18. Samples for analysis.—The licensee shall allow samples upto 1/5 of a litre bottle, of each kind of liquor to be taken free of cost by the Warehouse Officer whenever required by him for being sent to the Chemical Analyser to Government for Chemical Analysis. The Warehouse Officer shall give the licensee a written acknowledgment for the sample or samples taken by him for analysis.

LICENCE FOR THE BOTTLING OF LIQUORS.

Licence No. and Date. *District*

Licence is hereby granted to ..... (hereinafter called as "The Licensee") on payment of a licence fee of Rs. 1,000 per annum authorising him to bottle liquors under and subject to the provisions of the Mysore Prohibition Act, 1961 and the rules regulations and orders made thereunder at the warehouse situated at ..... (hereinafter called as "The Licensed Premises") during the period from ..... to 31st March 19..... subject to the following conditions, namely :—

Conditions.

1. The licensee shall not bottle liquor except at the licensed premises and under the supervision of the Warehouse Officer.

2. The licensee shall not dilute or strengthen the liquor permitted to be bottled under the licence unless he holds a licence in Form M. P. C

3. The licensee shall not on any day carry on operations of bottling after 5-30 P.M. (Indian Standard Time) or before 9 A.M. nor shall he carry on any day the said operations between 1 P.M. and 2 P.M. nor on Sunday and Public Holidays sanctioned by Government.

4. The licensee shall provide suitable office accommodation with sanitary arrangements free of cost for the Warehouse Officer and his staff within the premises and shall also supply such furniture and other articles free of cost for the use of the Warehouse Officer and his staff as the Deputy Commissioner may consider necessary.

5. No Smoking or naked lights or fire shall be allowed within the premises of the warehouse.

6. The licensee shall always give 6 hours notice of his intention of bottling liquor to the Warehouse Offices.

7. The licensee shall not carry on the bottling operations except in the presence of the Warehouse Officer or such other Officer as the Deputy Commissioner may depute in that behalf.

8. The licensee shall display the license in a conspicuous place.

9. The licensee shall not discontinue the bottling operations unless he has given three clear calendar months notice of his intention to do so.

10. At the end of each working day the licensed room or compartment (s) shall be locked by the licensee and Warehouse Officer with separate locks.

11. The licensee shall maintain accounts of all liquors used in the bottling operations and the number of bottles bottled every day.

12. Except with the written permission of the Prohibition Commissioner the licensee shall not sell, transfer or sublet the right conferred upon him by this license nor shall he in connection with the exercise of the said right, enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Prohibition Commissioner on such question shall be final and binding on the licensee.

13. No person shall be recognised as a partner of the licensee for the purpose of this license unless the partnership has been declared by the Deputy Commissioner before the license is granted and the name (s) of the partner (s) have been entered jointly in the license or if the partnership is entered into after the granting of the license unless the Deputy Commissioner agrees on application made to him to alter the license and to add the name or names of the partner or partners in the license.

14. The licensee shall maintain in his Warehouse such measures as may be prescribed by the Deputy Commissioner in this behalf.

15. The licensee, his successors or assignees shall have no claim whatsoever to the continuance or renewal of license after the expiry of the period for which it is granted. If shall be entirely within the discretion of the Deputy Commissioner whether to permit or not to permit in case of sale or transfer the assignee of the licensee to have the benefit of the license for the unexpired portion of the term for which it is granted.

16. The license may be suspended or cancelled in accordance with the provisions of section 45 of the Mysore Prohibition Act, 1961.

17. The licensee shall pay the Government every quarter in advance the sum of Rs.....being the cost of the supervisory staff as detailed below.

Granted this.....day of.....19

Seal of the Prohibition Commissioner.

Prohibition Commissioner
....District.

[No. HD 73 EFL 62.]

By Order and in the name of the Governor of Mysore,

150

M. S. SHANKARA RAO, *Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

LAW SECRETARIAT.

NOTIFICATION

Bangalore, dated the 25th August 1965.

G. S. R. 645.—The following order made by the Governor of Mysore is hereby published for general information, namely :—

ORDER

In exercise of the powers conferred upon me by clause (1) of Article 174 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby summon the Mysore Legislative Council to meet at Bangalore at 2-15 p. m. on Monday, the 18th October 1965.

V. V. GIRI
Governor of Mysore.

[No. LAW 33 LGN 65].

By Order and in the name of the Governor of Mysore,

187

R. SANJEEVALU, *Secretary.*

NOTIFICATION.

Bangalore, dated the 25th August 1965.

G S.R. 646.—The following order made by the Governor of Mysore is hereby published for general information, namely :—

ORDER.

In exercise of the powers conferred upon me by clause (1) of Article 174 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby summon the Mysore Legislative Assembly to meet at Bangalore at 1-00 P.M. on Monday, the 11th October 1965.

V. V. GIRI,
Governor of Mysore.

[No. LAW 33 LGN 65.]

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secretary.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore